

**BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL,
CHANDIGARH BENCH, CHANDIGARH**

OA No. _____/ HR /of 2015

1. Rakesh Kumar son of Bharat Bhushan Rohila, aged 40 years, working as TGT (English), Jawahar Navodaya Vidyalaya, Bhutana, Sonapat.
2. Supriya Mishra daughter of Arvind Nath Pandey, aged 39 years ,working as TGT (Science), Jawahar Navodaya Vidyalaya, Sagga, Karnal.
3. Bhawana daughter of Jaidev Verma, aged 35 years, working as TGT (English), Jawahar Navodaya Vidyalaya, Kurukshetra.
4. Rajesh Kumar son of Amar Nath, aged 43 yaers, working as Music Teacher, Jawahar Navodaya Vidyalaya, Gulabgarh, Yamunagar.
5. Jasmer Singh son of Prem Singh, aged 36 years ,working as TGT (Misc. Teacher Librarian), Jawahar Navodaya Vidyalaya, Sagga, Karnal.
6. Lakhan Singh Meena son of Ram Bhajan Meena, aged 40 years, working as TGT (Art), Jawahar Navodaya Vidyalaya, Kaulan, Ambala.
7. Rakhi daughter of Chaman Lal, aged 38 years, working as Physical Education Teacher, Jawahar Navodaya Vidyalaya, Gulabgarh, Yamunanagar.
8. Yogesh Prashar son of Jeeva Nand, aged 41 years, working as TGT (English), Jawahar Navodaya Vidyalaya, Gulabgarh, Yamunanagar.
9. Vajid Ali son of Mohd. Ibrahim, aged 40 years , working as TGT (Art), Jawahar Navodaya Vidyalaya, Sagga, Karnal.

- 10.** Vinod Kumar son of Kali Ram, aged 32 years, working as TGT (English)
Jawahar Navodaya Vidyalaya, Sagga, Karnal.
- 11.** Devesh Kumar son of Ram Kishan Vashisht, aged 44 years, working as
TGT (Hindi), Jawahar Navodaya Vidyalaya, Sagga, Karnal.
- 12.** Shiv Singh Yadav son of Raj Bahadur Yadav, aged 37 years, working as
TGT (Hindi), Jawahar Navodaya Vidyalaya, Sagga, Karnal.
- 13.** Darbara Singh son of Sohan Singh, aged 38 years, working as TGT (Math),
Jawahar Navodaya Vidyalaya, Sagga, Karnal.
- 14.** Rajeev Kumar son of Mast Ram, aged 37 years, working as TGT (Math),
Jawahar Navodaya Vidyalaya, Bilaspur.
- 15.** Dinesh Kumar son of Tikhu Ram, aged 34 years, working as TGT (Math),
Jawahar Navodaya Vidyalaya, Kangra.
- 16.** Pawan Kumar Sharma son of Suraj Bhan Sharma, aged 37 years, working
as TGT (Math), Jawahar Navodaya Vidyalaya, Jind.
- 17.** Anita Rani daughter of Hardial Singh, aged 34 years, working as TGT
(Math), Jawahar Navodaya Vidyalaya, Kaulan, Ambala.
- 18.** Rashmi Lata Saini daughter of Rajendra Prasad Saini, aged 36 years,
working as TGT (Hindi), Jawahar Navodaya Vidyalaya, Kaulan, Ambala.
- 19.** Deepak son of Ranjeet Singh, aged 41 years, working as Librarian,
Jawahar Navodaya Vidyalaya, Gulabgarh, Yamunagar.
- 20.** Vishal Bansal son of Ishwar Daya Bansal, aged 43 years, working as TGT
(Math), Jawahar Navodaya Vidyalaya, Butana, Sonapat.
- 21.** P.S. Aradhye son of Suresh Aradhye, aged 43 years, working as TGT
(Marathi), Jawahar Navodaya Vidyalaya, Butana, Sonapat.

22. Birbal Kumar son of Amar Chand, aged 38 years, working as TGT (Math), Jawahar Navodaya Vidyalaya, Solan (HP).
23. Yoginder Singh son of Puran Singh, aged 41 years, working as TGT (Math), Jawahar Navodaya Vidyalaya, Jhajjar.
24. Jaipal son of Om Parkash, aged 43, working as PET Male, Jawahar Navodaya Vidyalaya, Sonapat.
25. Majok Kumar Kashyap son of Suraj Mal Kashyap, aged 38 years, working as TGT (Math), Jawahar Navodaya Vidyalaya, Gurgaon.
26. Pardeep son of Nand Lal, aged 39 years, working as TGT (Science), Jawahar Navodaya Vidyalaya, Ambala.
27. Poonam Rawat daughter of Rajendra Singh Rawat, aged 42 years, working as TGT (Science), Jawahar Navodaya Vidyalaya, Kurukshetra.
28. Manoj son of Prem Singh, aged 42 years, working as TGT (SST), Jawahar Navodaya Vidyalaya, Kurukshetra.
29. Sunil son of Kiran Pal Singh, aged 40 years, working as PET Male, Jawahar Navodaya Vidyalaya, Bilashpur.
30. Anju son of Mahinder Singh, aged 39 years, working as PET Female, Jawahar Navodaya Vidyalaya, Bilaspur.
31. Umesh Rao son of _____, aged _____ years working as TGT (Math), Jawahar Navodaya Vidyalaya,

.....Applicants

Versus

- 1.** Union of India, Ministry of Human Resource Development, Department of School Education and Literacy, New Delhi through its Director.
- 2.** Navodaya Vidyalaya Samiti, (an autonomous organization under Ministry of Human Resource Development, Department of School Education, Government of India, B-15, Institution, 4-B Nagar, Sector 62, Noida (U.P), through its Commissioner.
- 3.** Navodaya Vidyalaya Samiti, Regional Office, District Jaipur (Rajasthan) through its Deputy Commissioner.
- 4.** Navodaya Vidyalaya Samiti, Regional Office, Chandigarh Region, Chandigarh through its Deputy Commissioner.

.....Respondents

**Application under Section 19 of Central
Administrative Tribunal Act, 1985.**

Respectfully Showeth:-

DETAILS OF APPLICATION:-

1. PARTICULARS OF ORDERS AGAINST WHICH APPLICATION IS MADE:-

The present original application is being filed under Section 19 of the Administrative Tribunal Act, 1985 seeking a direction to the respondents to fix the pay of the applicants in compliance of Rule 7 (A)(i)(ii) of Central Civil Services (Revised Pay) Rules, 2008 (Annexure A-1) i.e. notification dated 29.08.2008 by taking as Rs. 7450/- (existing basic pay on that day) and then adding Rs. 4600/- (Grade Pay) and which arrives to be Rs. 18457/- (13857/-+4600/-) w.e.f. 01.01.2006, in the minimum pay scale of a Trained Graduate Teachers as recommended by 6th Pay Commission i.e. while considering the basic pay as stipulated in THE FIRST SCHEDULE, PART B, SECTION II, SERIAL NO. XVII (2) pertaining to Trained Graduate Teacher as per the mandate of Hon'ble Central Administrative Tribunal, Principal Bench - Delhi in OA No. 3679/2012 decided on 07.05.2014 wherein similarly situated person has been granted the aforesaid benefits.

Or,

In the alternative the applicants are making a prayer that the respondents be directed Hon'ble Tribunal my grant the pay scale of Rs. 12540/- + 4600 (Grade Pay) = Rs. 17140/- to the applicant as has been granted to the new entrant joining on or after 01.01.2006 as Trained Graduate Teacher (TGT) as recommended by the 6th Pay Commission or to step up the pay of the applicants in respect to the TGT teachers junior to them in the Navodaya Vidyalaya Samiti irrespective of their Region and Subject as per the mandate of Hon'ble Tribunal in OA 1163/HR/2013 titled as "Vijay Pal Vs. Union of India and others" whereby the Original Application filed by the similarly situated TGT applicant has been allowed and the Hon'ble Tribunal has held that the applicant would be entitled to pay Scale of Rs. 12540/- + 4600 (Grade Pay) = 17140/- as has been granted to a new entrant joining as TGT on or after 01.01.2006 because the pay of a senior employee cannot be less than his junior.

And

Further to set aside the order no. F-88-17/NVS-JR/Karnal/2007/3931 dated 05.11.2015/18.11.2015 (Annexure A-8) whereby the representations submitted by the applicants has not been addressed or declined by passing of a non speaking order.

2. JURISDICTION OF THE TRIBUNAL:-

That the applicants are working as Trained Graduate Teachers in various Jawahar Navodaya Vidyalaya Schools. The schools are being run by Navodaya Vidyalaya Samiti which is being impleaded as respondent no. 2 and 3 through their respective Commissioner and Deputy Commissioner. The Navodaya Vidyalaya Samiti works under the aegis of Ministry of Human Resource Development, Department of School Education and Literacy, Government of India. This Hon'ble Tribunal has jurisdiction to address the grievance raised by the applicants in the present Original Application. Hence, the subject matter is within the jurisdiction of this Hon'ble Central Administrative Tribunal.

3. LIMITATION:-

The applicant further declares that the present original application is within limitation as prescribed under Section 21 of the Administrative Tribunal Act. The impugned order vide which the claim of the applicants has been rejected was passed on 05.11.2015/18.11.2015 (Annexure A-8). Hence, the original application within limitation.

4. FACTS OF THE CASE:-

(I) That the Present Original Application is being preferred by 31 Trained Graduate Teachers. They are working at various Navodaya Vidyalayas which fall under the jurisdiction of the respondent no. 3 and 4 i.e. the Regional Office of Navodaya Vidyalaya Samiti. The pay scales of the petitioner are being governed by Ministry of Finance, notification dated 29.08.2008 i.e. Central Civil Services (Revised Pay) Rules, 2008. The same are annexed as **Annexure A-1**. The subsequent notification dated 30.08.2008 carrying various fitment tables are annexed as **Annexure A-2**. The 6th Central Pay Commission were made applicable to the employees of Novodaya Vidyalaya Samiti vide notification dated 11.11.2008 which is annexed as **Annexure A-3**. The serial no. 2 part 17 pertaining to Trained Graduate Teachers under Section II, Part B of the first schedule of the CCS (Revised Pay Rules, 2008) were modified vide corrigendum dated 12.03.2009 and the same is annexed as **Annexure A-4**.

(II) The relevant details pertaining to designation, date of joining, present place of posting , basic payas on 01.01.2006 and the anomaly in the pay scales of the petitioners is being canvassed in a chart for the ready reference of this Hon'ble Court which is reproduced here below:-

(III) That the Government of India revised the pay scales of its employees w.e.f. 01.01.2006 by framing Central Civil Services (Revised Rules) 2008 vide Ministry of Finance (Department of Expenditure) notification dated 29.08.2008. On implementation of the 6th Pay Commission, the pay of the applicants was revised as reflected in column 8 of the aforesaid chart. It is worth mentioning that column 8 reflects that the basic pay on 01.01.2006 after the revised pay of the applicants after the implementation of the 6th Pay Commission is far less than the minimum pay scale of Rs. 12540/- + 4600/- (Grade Pay) = 17140 w.e.f. 01.01.2006 for the post of new recruited TGT Teachers. Thus, even a junior teacher who joined on or after 01.01.2006 is drawing a pay of Rs. 17140/- whereas the applicants who joined the services during the period of commencement from 2001 to 2005 are drawing less salary than their juniors. The copy of the Gazette notification dated 29.08.2008 framed by the Ministry of Finance (Department of Expenditure) i.e. Central Civil Services (Revised Pay) Rules, 2008 are annexed as **Annexure A-1**. The notification dated 30.08.2008 is attached herewith as **Annexure A-2**. The Central Civil Services (Revised Pay) Rules, 2008 were implemented on the teaching and non teaching staff of Navodaya Vidyalaya Samiti vide notification dated 11.11.2008 which is annexed as **Annexure A-3**. The Ministry of Finance (Department of Expenditure) vide notification dated

12.03.2009 issued a corrigenda to Central Civil Services (Revised Pay) Rules, 2008 and the same is annexed as **Annexure A-4**.

(IV) That accordingly the applicants who were aggrieved with the aforesaid anomaly submitted their representation to the authorities. Few of the representations are annexed as **Annexure A-5 colli** and the details of the same are given here below:-

- Applicant No. 1 Rakesh Kumar Rohila submitted a representation and the same is attached herewith as Annexure A-5 (colli).
- Applicant No. 2 Supriya Mishra also submitted a similar representation while stating that her pay has been fixed at Rs. 6025 X 1.86 = 11210 + 4600/- = 15810/- on 01.01.2006 whereas the junior to her is getting Rs. 12540 + 4600 = 17140. The representation is attached herewith as Annexure A-5 (colli).
- Applicant No. 3 Bhawna Verma submitted a representation dated 29.09.2015 and the same is attached herewith as Annexure A-5 (colli)
- Applicant No. 5 Jasmer Singh submitted a representation dated 30.09.2015 while claiming that his pay should be fixed as Rs. 7450 X 1.86 = 13860 + 4600/- = 18460 and in any case not less than Rs. 12540 + 4600 = 17140/-. The representation is attached herewith as Annexure A-5 (colli).
- Applicant no. 6 Lakhan Singh Meena submitted a representation which is attached herewith as Annexure A-5 (colli)

- Applicant No. 7 Rakhi submitted a representation which is attached herewith as Annexure A-5 (colli).
- Applicant No. 8 Yogesh Prashar submitted a representation which is attached herewith as Annexure A-5 (colli).
- Applicant no. 9 Wazid Ali submitted a representation dated 29.09.2015 which is attached herewith as Annexure A-5 (colli).
- The applicant no. 10 Vinod Kumar submitted representation dated 06.10.2015 in order to similar request and the same is attached herewith as Annexure A-5 (colli).
- Applicant no. 11 Devesh Kumar Vashisht submitted a representation dated 06.10.2015 while stating that his pay was fixed at Rs. 6025 X 1.86 = Rs. 15810/- on 01.01.2006 whereas he is entitled to step up of Rs. 12540+4600 = Rs. 17140/- w.e.f. 01.01.2006. The representation to respondent no. 3 dated 06.10.2015 is attached herewith as Annexure A-5 (colli). The applicant also stated that the Principle Bench of the Central Administrative Tribunal in OA No. 3679 of 2012 vide its decision dated 07.05.2014 held that a similarly situated person would be entitled to minimum of Rs. 13680/- + 4600 /- as on 01.01.2006 but in any eventuality not less than Rs. 12450/- + 4600 = 17140/- as on 01.01.2006.
- The applicant no. 12 Shiv Singh Yadav submitted a representation through proper channel to respondent no. 3 while stating that on implementation of 6th Pay Commission his pay was fixed as Rs.

5850/- X 1.86/- = 10890/- + 4600/- = 15490/- on 01.01.2006
whereas a new recruit is getting 12540/- + 4600/- = 17140/-. He
further stated that similarly situated employees working as
Selection Officers/Assistants in Ministry of Agriculture,
Department of Animal Husbandry, Diary, Fishries, Krishi Bhavan
who are equivalent to that of TGT teachers are getting the revised
pay scale of Rs. 7450-11500/- w.e.f. 01.01.2006 as per illustration
4 (A) annexed to 2008 Rules vide order No. A-1104. The
representation is attached herewith as Annexure A-5 (colli).

- Applicant no. 13 Darbara Singh submitted a representation dated 06.10.2015 which is attached herewith as Annexure A-5 (colli).
- Applicant No. 15 Dinesh Kumar submitted a representation which is attached herewith as Annexure A-5 (colli).
- The applicant No. 16 Pawan Kumar Sharma submitted a representation dated 27.11.2015 to respondent No. 3 through proper channel while stating that his pay has been fixed w.e.f. 01.01.2006 at Rs. 11540 + 4600 (Grade Pay) whereas he was entitled to a pay fixation to Rs. 12540 + 4600 (Grade Pay) and i.e. Rs. 17140/- w.e.f. 01.01.2006. The representation dated 27.11.2015 is attached herewith as Annexure A-5 (colli).
- Applicant No. 20 Vishal Bansal submitted a representation and the same is attached herewith as Annexure A-5 (colli).

- Applicant No. 21 P.S. Aradhye submitted a representation dated 02.12.2015 and the same is attached herewith as Annexure A-5 (colli).
- Applicant No. 26 Pradeep submitted a representation dated 28.11.2015 is attached herewith as Annexure A-5 (colli)

(IV) It is worth mentioning that the principle submission of the applicants is that they are entitled to fix the pay of the applicants by taking Rs. 7450/- (existing basic pay as per Rule XVII (II) Trained Graduate Teachers, Section II, Part B, the first schedule of CCS (Revised Pay) Rules, 2008) and then multiplying by 1.86 which comes to Rs. 13857/- and then adding Rs. 4600/- (grade pay) and total arrives to be at Rs. 18457/- w.e.f. 01.01.2006. The claim of the applicants is supported by Rule 7 A (i) (ii) of CCS (Revised Pay) Rules, 2008 and also as per the mandate of the Hon'ble Central Administrative Tribunal, Principal Bench in OA No. 3679 of 2012 titled as "Sheeja Santosh and others Vs. Director General and others". However, a similarly situated employee filed an OA No. 1163/HR 2013 which was decided by this Hon'ble Court on 21.10.2014 (Annexure A-6) wherein though the prayer was made for re-fixing the pay in the manner as stated above. But because the counsel for the aforesaid similarly situated applicant could not represent, the matter was decided while invoking Rule 15 of CAT

Procedure Rules and the alternative prayer of granting the pay scale of Rs. 12540 + 4600 = 17140/- was allowed on the principle that a senior employee cannot be paid less than his juniors.

- (V) That the representations were submitted to respondent No. 3 after the decision of the Ld. Central Administrative Tribunal, Chandigarh Bench, OA No. 1103/HR/2013 dated 21.10.2014. This Hon'ble Tribunal in the case filed by a similarly situated TGT teacher namely Sh. Vijay Pal held that applicant is getting less pay than his junior who joined after 01.01.2006 giving him different pay scale less than the pay scales of his juniors is violation of Article 39 (d) of the Constitution of India and held that the applicant has entitled to the pay scale of Rs. 12540 + 4600 = 17140 as has been granted to a new entrant joining as TGT on or after 01.01.2006. The decision dated 21.10.2014 is attached herewith as **Annexure A-6**.
- (VI) The respondent authorities filed bearing RA No. 060/00045/2015 in OA No. 1163/HR/2013 and the same was also dismissed by the Ld. Tribunal vide its order dated 13.07.2015 while holding that it is not understood that how even through the review application, the applicants in the review application are justifying a Senior getting a lower pay than his juniors and directly recruited teacher who came into service after 01.01.2006. The decision is attached herewith as **Annexure A-7**.
- (VII) That despite being well aware of the orders passed by this Hon'ble Tribunal the respondent authorities refused to accept the claim of

the applicants vide letter order no. F-88-17/NVS-JR/Karnal/2007/3931 dated 05.11.2015/18.11.2015 (Annexure A-8). The consequence of this order is that the principle of various Jawahar Navodaya Vidyalaya Schools are being informed that the matter of fixation of pay on the entry scale to the Navodaya Vidyalayas employees who joined Samiti prior to 01.01.2006 discussed in details and decided that the sanction of entry scale to the teachers who filed case in the Central Administrative Tribunal, Chandigarh has been allowed subject to the outcome of writ petition in the Hon'ble High Court and therefore you are advised not to forward any application of sanction of entry scale.

(VIII) That the consequence of the aforesaid order is that by way of a single communication the claim of the applicants are being rejected or in other words kept at bay awaiting the decision of the Hon'ble High Court in a civil writ petition. It is worth mentioning that the CWP referred to in order dated 05.11.2015/18.11.2015 (Annexure A-8) is CWP no. 15961 of 2015 titled as "Commissioner, Navodya Vidyalaya Samit and others Vs. Central Administrative Tribunal, Chandigarh Bench and others" in which the respondents challenged the order dated 21.10.2014 passed in OA No. 1163/HR/2013 (Annexure A-6). The claim of the applicants is being rejected citing the aforesaid reason whereas the orders passed by the Hon'ble Court reflects that the plea taken by the respondents while challenging the decision of this Hon'ble Tribunal

has been referred to been taken deliberately as a false and misleading plea on the strength of Rule 8 of Central Civil Services (Revised Pay) Rules, 2008 which does not deal with the case of the applicants. The order sheet is reflecting the observation of the Hon'ble Court is attached herewith as **Annexure A-9 colli**.

5. GROUNDS OF RELIEF WITH LEGAL PROVISIONS:-

- (I) The principle submission of the applicants is that they are entitled to fix the pay of the applicants by taking Rs. 7450/- (existing basic pay as per Rule XVII (II) Trained Graduate Teachers, Section II, Part B, the first schedule of CCS (Revised Pay) Rules, 2008) and then multiplying by 1.86 which comes to Rs. 13857/- and then adding Rs. 4600/- (grade pay) and total arrives to be at Rs. 18457/- w.e.f. 01.01.2006. The claim of the applicants is supported by Rule 7 A (i) (ii) of CCS (Revised Pay) Rules, 2008 and also as per the mandate of the Hon'ble Central Administrative Tribunal, Principal Bench in OA No. 3679 of 2012 titled as "Sheeja Santosh and others Vs. Director General and others". The applicants are governed with Rule 7 (A) (i) (ii) which is reproduced here below for the ready reference of the Hon'ble Court:-

(7) Fixation of initial pay in the revised pay structure:-

(A) In the case of all employees

(i) The pay in the pay band/pay scale will be determined by multiplying the existing basic pay as on 01.01.2006 by a factor of 1.86 and rounding off the resultant figure to the next multiple of 10.

(ii) If the minimum of the revised pay band/pay scale is more than the amount arrived at as per (i) above, the pay shall be fixed at the minimum of the revised pay band/pay scale

(II) That further it is worth mentioning that the applicants are governed by Part B, Section-II, The First Schedule of the Central Civil Services (Revised Pay) Rules, 2008 and the Trained Graduate Teachers fall at serial no. XVII and the basis pay as referred in the aforesaid rule as prescribed in the same are reproduced here below:-

Sl. No.	Post	Present Scale	Revised Pay Scale	Corresponding Pay Band & Grade Pay		Para No. of the Report
				Pay Band	Grade Pay	
2	Trained Graduate Teacher	Grade III 5500-9000	Grade III 7450-1150	PB-2	4600	3.8.22
		Grade II 6500-10500	Grade III 7500-12000	PB-2	4800	
		Grade I	Grade I	PB-3	5400	

		7500-12000	8000-13500			
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Thus the applicants i.e. Trained Graduate Teachers find mention at Sr. No. (XVIII) (2) and the Revised Pay Scale of the applicants as per the same is 7450-11500 whereas the scale prior to the implementation of the 2008 Rules was 5500-9000.

- (III) That as against the applicants the TGT teachers who joined on or after 01.01.2006 were governed by Rule 8 of Central Civil Services (Revised Pay) Rules, 2008. The revised pay structure for direct recruiters appointed on or after 01.01.2006 canvassed in the first schedule part A Section 2.
- (IV) That the action of the respondents of not fixing the pay in the manner stipulated above is illegal, arbitrary and in violation of Rule 7 (1) (A) (i) (ii) of notification dated 29.08.2008.
- (V) That further as per para 3 of NVS Headquarters letter no. 20/01/2007/NVS (admin)/312 dated 26.03.2009, the minimum pay of directly recruited TGT will be regulated as per Section 2 part A of first schedule of CSS (Revised Pay) Rules and will be fixed at Rs. 12540/- + 4600 (GP) = 17140/- on 01.01.2006. The copy of the letter dated 26.03.2009 is annexed as **Annexure A-10**.
- (VI) The claim of the applicants is supported by Rule 7 A (i) (ii) of CCS (Revised Pay) Rules, 2008 and also as per the mandate of the Hon'ble Central Administrative Tribunal, Principal Bench in OA No.

3679 of 2012 titled as "Sheeja Santosh and others Vs. Director General and others". The observation of the Hon'ble Tribunal is reproduced here below for the ready reference of the Hon'ble Court:-

"Therefore, the applicants are entitled to get at least the minimum of Rs. 13860/- (Rs. 18460 with Grade Pay) as on 01.01.2006, as the same post when held by a direct recruit who joins on or after 1.1.2006 and one who joined as direct recruit years earlier, cannot be given different pay scales, that too prejudicial to the persons who joined much earlier as it would violate Article 39(d) of the Constitution of India which has now assumed the level of a Fundamental Right and also Article 14 & 16 of the Constitution being irrational and arbitrary. The settled law is that no rules can be made in violation of the provisions contained in the Constitution of India."

(VII) That the pay of similarly situated persons of other departments of Union of India who were drawing the basic pay of Rs. 6200/- as applicants are drawing in pre-revised pay scale are now being placed in the pay scale of Rs. 18460/- after the recommendations of 6th Pay Commission. The copy of the letter dated 15.02.2010 is annexed herewith as **Annexure A-11**.

(VIII) That the alternative plea of the petitioner is that the Hon'ble Tribunal may grant the pay scale of Rs. 12540/- + 4600 (Grade Pay)

= Rs. 17140/- to the applicant as has been granted to the new entrant joining on or after 01.01.2006 as Trained Graduate Teacher (TGT) as recommended by the 6th Pay Commission or to step up the pay of the applicants in respect to the TGT teachers junior to them in the Navodaya Vidyalaya Samiti irrespective of their Region and Subject as per the mandate of Hon'ble Tribunal in OA 1163/HR/2013 titled as "Vijay Pal Vs. Union of India and others" whereby the Original Application filed by the similarly situated TGT applicant has been allowed and the Hon'ble Tribunal has held that the applicant would be entitled to pay Scale of Rs. 12540/- + 4600 (Grade Pay) = 17140/- as has been granted to a new entrant joining as TGT on or after 01.01.2006 because the pay of a senior employee cannot be less than his junior. The observation of the Hon'ble Tribunal in OA No. 1163/HR/2013 is reproduced here below for the ready reference of the Hon'ble Court.

We have carefully perused the pleadings of the parties and the material on record. It is evident from the OA that the applicant is getting less pay than even the persons who have been recruited as TGTs on 1.1.2006 and thereafter, while he was appointed in 2004. The fixation of pay of a TGT in the NVS on the basis of the recommendations of the 6th Pay Commission cannot be linked with the seniority of the individual in the region in which he is working in a manner that he gets less pay than the directly recruited teachers who came into service after

1.1.2006. The judgement of the Principal Bench in Sheeja Santosh & Ors. (supra) although it relates to the ESIC, is very pertinent to the matter wherein it had been held as follows:-

Therefore, the applicants are entitled to get at least the minimum of Rs. 13860/- (Rs. 18460 with Grade Pay) as on 01.01.2006, as the same post when held by a direct recruit who joins on or after 1.1.2006 and one who joined as direct recruit years earlier, cannot be given different pay scales, that too prejudicial to the persons who joined much earlier as it would violate Article 39(d) of the Constitution of India which has now assumed the level of a Fundamental Right and also Article 14 & 16 of the Constitution being irrational and arbitrary. The settled law is that no rules can be made in violation of the provisions contained in the Constitution of India.

In view of the above observations, this OA is allowed and the applicant is held entitled to the pay scale of Rs. 12540/- + 4600 (Grade Pay) = Rs. 17140/- as has been granted to a new entrant joining as TGT on 1.1.2006 or after that date as recommended by the 6th Pay Commission. Hence, the respondents are directed to re-fix the pay of the applicant within a period of three months of a certified copy of this order being served upon the respondents and the arrears due to him on this account, may also be released within this period. No costs.

6. DETAILS OF THE REMEDY EXHAUSTED:-

That the applicants submitted various representations to the respondent no. 3 and the said representations are annexed as Annexure A-5 colli. The respondent authorities declined to consider the representation submitted by the petitioner on the pretext of pendency of a writ petition by way of impugned order dated 18.11.2015 (Annexure A-8). The applicant is challenging the said order in the present Original Application and the said order has never been challenged.

7. MATTER NOT PREVIOUSLY FILED OR PENDING WITH ANY COURT:-

That the applicants further declare that no such or similar application is pending before this Hon'ble Tribunal or before any other Hon'ble Court.

8. RELIEF SOUGHT:-

In view of the facts and the circumstances and legal proposition mentioned in paragraph no. 4 & 5 above, the applicant prays for the following reliefs:-

- a) That the respondents be directed to re-fix the pay of the applicants in compliance of Rule 7 (A)(i)(ii) of Central Civil Services (Revised Pay) Rules, 2008 (Annexure A-1) i.e. notification dated 29.08.2008

by taking as Rs. 7450/- (existing basic pay on that day) and then adding Rs. 4600/- (Grade Pay) and which arrives to be Rs. 18457/- (13857/-+4600/-) w.e.f. 01.01.2006, in the minimum pay scale of a Trained Graduate Teachers as recommended by 6th Pay Commission i.e. while considering the basic pay as stipulated in THE FIRST SCHEDULE, PART B, SECTION II, SERIAL NO. XVII (2) pertaining to Trained Graduate Teacher as per the mandate of Hon'ble Central Administrative Tribunal, Principal Bench – Delhi in OA No. 3679/2012 decided on 07.05.2014 wherein similarly situated person has been granted the aforesaid benefits.

- b) That in the alternative the Hon'ble Tribunal may grant the pay scale of Rs. 12540/- + 4600 (Grade Pay) = Rs. 17140/- to the applicant as has been granted to the new entrant joining on or after 01.01.2006 as Trained Graduate Teacher (TGT) as recommended by the 6th Pay Commission or to step up the pay of the applicants in respect to the TGT teachers junior to them in the Navodaya Vidyalaya Samiti irrespective of their Region and Subject as per the mandate of Hon'ble Tribunal in OA 1163/HR/2013 titled as "Vijay Pal Vs. Union of India and others" whereby the Original Application filed by the similarly situated TGT applicant has been allowed and the Hon'ble Tribunal has held that the applicant would be entitled to pay Scale of Rs. 12540/- + 4600 (Grade Pay) = 17140/- as has been granted to a new entrant joining as TGT on or after

01.01.2006 because the pay of a senior employee cannot be less than his junior.

- c) That further to set aside the order no. F-88-17/NVS-JR/Karnal/2007/3931 dated 05.11.2015/18.11.2015 (Annexure A-8) whereby the representations submitted by the applicants has not been addressed or declined by passing of a non speaking order.
- d) Costs of the applications be awarded to the applicant.
- e) Any other relief to which the applicant is found entitled in law and equity may also be granted to the applicant.

9. INTERIM ORDER, IF ANY PRAYED FOR:-

That the applicants humbly submit that during the pendency of the present petition the in the interest of justice.

10. IN THE EVENT OF APPLICATION BEING SENT BY POST:

Application is being submitted through Advocate.

11. PARTICULARS OF POSTAL ORDERS FILED IN RESPECT OF THE APPLICATION OF FEE:

- 1. Number of the Indian Posta Rs. 100/- only vide No. Order
- 2. Name of issuing Post Office
- 3. Date of issue
- 4. Post Office at which payable At Chandigarh

12. List of Enclosures:-

1.

Verification:-

We the applicants do hereby verify that contents of para no. 1 to 4 and 12 are true and correct to my personal knowledge and para no. 5 & 6 are true on legal advice and that I have not suppressed any material facts.

Chandigarh

Applicants

Dated:

Through

Shakti Bhardwaj and Kanika Bhardwaj

Advocates

Counsels for the applicant

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL,

CHANDIGARH BENCH, CHANDIGARH

OA No. _____/ HR /of 2015

Rakesh Kumar and others

.....Applicant

Versus

Union of India and others

.....Respondents

Affidavit of Rakesh Kumar son of Bharat
Bhushan Rohila, aged 40 years, working as
TGT (English), Jawahar Navodaya
Vidyalaya, Bhutana, Sonapat.

I, the above named deponent do hereby solemnly affirm and declare as
under:-

1. That the deponent has not filed any such or similar petition either in
this Hon'ble Court or in the Hon'ble Supreme Court of India.

2. That the deponent has verified that the contents of the
accompanying writ petition from para no. 1 to 4 and 11 are true and correct to
my personal knowledge and para no. 5 & 6 are true on legal advice. No part of
it is false and nothing has been concealed therein.

Chandigarh

Dated: 22.12.2015

Deponent

VERIFICATION:-

Verified that the contents of the above affidavit are true and correct to my knowledge. No part of it is false and nothing has been concealed therein.

Chandigarh

Dated:22.12.2015

Deponent

Annexure A

CENTRAL ADMINISTRATIVE TRIBUNAL

CHANDIGARH BENCH

OA. 602/HR/2013

Chandigarh, this the 10th day of November, 2014

CORAM:HONBLE MRS.RAJWANT SANDHU,MEMBER(A)

HONBLE DR. BRAHM A.AGRAWAL,MEMBER(J)

Satish Kumar, son of Sh. Om Parkash, presently working as TGT English,
Jawahar Navodaya Vidyalaya, Kaulan, District Ambala.

.....Applicant

Versus

1. Union of India, Ministry of Human Resource Development, Department of School Education and Literacy, New Delhi through its Director.
2. Commissioner, Navodaya Vidyalaya Samiti, Noida (U.P).
3. Deputy Commissioner, Regional Office, Navodaya Vidyalaya Samiti, District Jaipur (Rajasthan).
4. Deputy Commissioner, Regional Office Navodaya Vidyalaya Samiti, Chandigarh Region, Chandigarh.

.....Respondents

Present: Mr. Sanchit Punia, proxy counsel for Mr. S.K.Tamak,
counsel for the applicant.

None for the respdt.No.1.

Mr. D.R. Sharma, counsel for respondents No. 2-4.

ORDER

HONBLE MRS. RAJWANT SANDHU, MEMBER(A):-

1. This OA has been filed under Section 19 of the Administrative Tribunals Act, 1985, seeking the following relief:-

- (i) To make correction and proper fixation of pay of applicant in terms of rule 7 of Central Revised Pay Rules 2008, as adopted by respondent-samiti, on the basis of upgraded pay scale i.e. Rs. 7450-225-11500 and by granting benefits of bunching of increment provided vide proviso to rule 7(1)A w.e.f. 1.1.2006 since same has been adopted by respondent samiti.
- (ii) To direct the respondents to make correction and proper fixation of the pay of the applicant w.e.f. 1.1.2006 by providing him even minimum entry pay as per the Rule 7 of CCS(RP) Rules, 2008 and to provide the arrears accordingly.
- (iii) To direct the respondent to give the benefit of 1st ACP in terms of CCS (ACP) Rules 2008 w.e.f. 6.9.2011 on completion of 10 years regular satisfactory service, which has been withheld without any justifiable reasons.
- (iv) To direct the respondents to provide transfer benefits as per the rules of Samiti, since applicant has completed three years tenure at hard and difficult station for the purpose of seniority as well as the earned leave etc., by making correction and proper fixation of his seniority in the impugned final seniority list (A-16) and by setting aside the order dated 6.10.2008 (Annexure A-18) and to provide arrears accordingly.
- (v) To direct the respondents to reimburse the TTA bills as submitted vide representation dated 29.3.2007 (Annexure A-19) by condoning the time barred objection without any discrimination as per the Rules and further to release arrears accordingly.

2. Written statement and rejoinder have been filed on behalf of the respondents and the applicant respectively.

3. When the matter came up for consideration today, learned counsel for the applicant stated that a similar matter had been decided vide order dated 21.10.2014 in OA. No. 1163/HR/2013 and he would be satisfied if the present OA could be disposed of in the same manner.

4. Learned counsel for the respondents did not object to this submission made by the learned counsel for the applicant. He stated however that only relief clause 8(ii) was covered by the order dated 21.10.2014 in OA No. 1163/HR/2013, operative portion whereof was as follows:-

“12. In view of the above observations, this OA is allowed and the applicant is held entitled to the pay scale of Rs. 12540/- + 4600 (Grade Pay) = Rs. 17140/- as has been granted to a new entrant joining as TGT on 1.1.2006 or after that date as recommended by the 6th Pay Commission. Hence, the respondents are directed to re-fix the pay of the applicant within a period of three months of a certified copy of this order being served upon the respondents and the arrears due to him on this account, may also be released within this period. No costs.”

5. Learned counsel for the applicant then requested that the matter may be disposed of in terms of order in OA No. 1163/HR/2013 in respect of relief clause 8 (ii) only and regarding paras 8(i), 8(iii), 8(iv) & 8(v), the applicant be allowed liberty to file his claim afresh, if so advised.
6. In view of the consensual submissions made by the learned counsel for the parties, relief as sought vide clause 8(ii) of the OA is allowed as per para 4 recorded above with liberty aforementioned.
7. With these observations, this O.A. is disposed of. No costs.

(RAJWANT SANDHU)

MEMBER(A)

(DR. BRAHM A.AGRAWAL)

MEMBER(J)

Dated: November 10th , 2014.

True Typed Copy/Advocate

Annexure P-6

CENTRAL ADMINISTRATIVE TRIBUNAL

CHANDIGARH BENCH

OA. 1163/HR/2013

(Reserved on 09.10.2014)

Chandigarh, this the 21st day of October, 2014

CORAM:HONBLE MR.SANJEEV KAUSHIK, MEMBER(J)

HONBLE MRS.RAJWANT SANDHU, MEMBER(A)

Vijay Pal S/o Sh. Raja Ram, aged 35 years, working as TGT (Social Science),
Jawahar Navodaya Vidyalaya, Khara Kheri, District Fatehabad, Haryana.

.....APPLICANT

VERSUS

1. Union of India, Ministry of Human Resource Development, Department of School Education and Literacy, Govt. of India, New Delhi through its Secretary.
2. The Commissioner, Navodaya Vidyalaya Samiti (An Autonomous Organisation under Ministry of Human Resource Development, Deptt. Of School Education, Govt. of India, B-15, Institution, 4-B Nagar, Sector 62, Noida (UP)-201 309.
3. The Deputy Commissioner, Navodaya Vidyalaya Samiti, Regional Office 18, Sangram Colony, Mahaveer Marg, C-Scheme, Jaipur 302001, Rajasthan.
4. Jawahar Navodaya Vidyalaya, Khara Kheri, District Fatehabad, Haryana, through its Principal.

.....RESPONDENTS

**BY ADVOCATE: MR. K.B. SHARMA PROXY COUNSEL
FOR MR. D.R. SHARMA**

ORDER

HONBLE MRS. RAJWANT SANDHU, MEMBER(A):-

1. This OA has been filed under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:-

(i) Direct the respondents to re-fix the pay of the applicant by taking as Rs. 7450/- (existing Basic Pay on that day) and then multiplying by 1.86 (which comes as Rs. 13857/-) and then adding Rs. 4600 (Grade Pay) and total becomes as Rs. 13857+4600 = Rs. 18457/- w.e.f. 01.01.2006, in the minimum pay scale of a TGT as recommended by the 6th Pay Commission or in alternate to grant pay scale of Rs. 12540/- + 4600 (Grade Pay) = Rs. 17140/- to the applicant as has been granted to a new entrant joining on 01.01.2006 or after that date as recommended by the 6th Pay Commission or to step up the pay of the applicant in respect to the TGT Teachers junior to him in the Navodaya Vidyalaya Samiti irrespective of their Region and Subject.

(ii) Direct the respondents to set aside the letter dated 01.05.2013 (Annexure P-5) vide which the respondents have been denying the claim of the applicant in an illegal, erroneous, arbitrary, discriminatory and against the Rules and instructions.”

2. Brief facts of the case are that the applicant joined the Navodya Vidyalaya Samiti (NVS) by direct appointment on 1.10.2004 at JNV Chhatpur, Regional Office, Bhopal (MP) and is presently serving in JNV Khara Kheri, District Fatehabad, Haryana (R.O. Jaipur) w.e.f. August, 2009.

3. On the implementation of the Sixth Pay Commission, the pay of the applicant has been fixed w.e.f. 01.01.2006 as Rs. 10560 + 4600 (Grade Pay) = Rs. 15160/- which is less than the minimum pay scale (12540 + 4600 G.P.) = Rs. 17140 applicable w.e.f. 01.01.2006 for the post of new recruited TGT. Thus, even a junior teacher who had joined on 01.01.2006 or thereafter, is drawing a salary of Rs. 17140/- whereas the applicant who had joined on 01.10.2004 and is senior to all those TGTs who joined service after 01.01.2006, is drawing less salary of Rs. 15160/- w.e.f. 01.01.2006. Therefore, the applicant has been discriminated in the matter of fixation of pay scale. The copy of the Gazette Notification dated 29.8.2008 is attached as Annexure A-1 and the copy of the statement of fixation of the applicant w.e.f. 01.01.2006 is attached as Annexure A-2. Thus, the pay of the applicant is fixed less by Rs. 2000/- per month from his junior, therefore, the applicant is suffering financial loss every month. The applicant requested and represented to the authorities to grant the minimum pay scale of the post of TGT and grant the increments of the service rendered by the applicant. On this, the respondent authorities stepped up the pay of the applicant as Rs. 12540/- + Rs. 4600/- w.e.f. - 02.07.2007, equal to the pay of one Mohammad Saleem, TGT-S.St., who joined on 02.07.2007. A copy of the office order dated 6.4.2011 is attached as Annexure A-3. The applicant again represented to the respondent authorities but vide letter dated 01.05.2013, the claim of the applicant was rejected (Annexure A-5).

4. Averment has also been made in the OA that the respondent authorities had fixed the pay of one K.K. Patel as Rs. 12540/- + Rs. 4600/- w.e.f. 01.02.2006 (date of joining service) (Annexure A-6), who belongs to same subject of the applicant and from the same region i.e. Bhopal (M.P.), from where the applicant had joined on 01.10.2004 and had worked upto August 2009, when he got transferred to the present region.

5. In the grounds for relief, it has inter alia been stated as follows:-

(i) That the action of the respondents not to re-fix the pay of the applicant by taking as Rs. 7450/- (being the minimum revised pay scale for TGT by the Pay Commission & Govt. of India) and then multiplying by 1.86 (which comes as Rs. 13857/-) and then adding Rs. 4600 (Grade Pay) and total becomes as Rs. 13857/- + Rs. 4600/- = Rs. 18457/-), w.e.f. 01.01.2006, in the minimum pay scale of a TGT as recommended by the 6th Pay Commission or in alternate, not to grant pay scale of Rs. 12540/- + Rs. 4600/- (Grade Pay) = Rs. 17140 to the applicant as has been granted to a new entrant joining on 01.01.2006 or after that date as recommended by the 6th Pay Commission or not to step up the pay of the applicant in respect to the TGTs junior to him in the NVS irrespective of their region and subject and to deny the claim of the applicant vide letters dated 01.05.2013 (Annexure A-5), in an illegal and arbitrary manner, is illegal and arbitrary and against the Rules. As per para 7(1)A(i) and (ii) of the GSR 622 (E) of the notification of Ministry of Finance,

Govt. of India dated 29.08.2008, if the minimum revised pay band/pay scale (Rs. 12540/-) is more than the amount arrived at (i.e. $6200 \times 1 = \text{Rs. } 11540$), the pay shall be fixed at the minimum of the revised pay band/pay scale (i.e. Rs. 12540/- for a TGT).

(7) Fixation of initial pay in the revised pay structure:-

(A) In the case of all employees

- (iii) The pay in the pay band/pay scale will be determined by multiplying the existing basic pay as on 01.01.2006 by a factor of 1.86 and rounding off the resultant figure to the next multiple of 10.
- (iv) If the minimum of the revised pay band/pay scale is more than the amount arrived at as per (i) above, the pay shall be fixed at the minimum of the revised pay band/pay scale.

The pay of the applicant is to be fixed at the minimum of the revised pay band/pay scale because the pay of the applicant has been fixed at a lower stage on the revision of the pay scale.

- (ii) That as per the para 3 of the NVS Hqrs. Letter No. 20/1/2007/NVS(Admn.)/312 dated 26.3.2009 (Annexure A-8), the minimum pay of directly recruited TGT will be regulated as per

Section 2 Part A of Ist Schedule of CSS (RP) Rule and will be fixed at Rs. 12540 + 4600 GP = 17140/- on 1.1.2006.

- (iii) That by adopting the Rules and Regulations (Annexures A-7 and A-8), the respondent department had refixed the pay of Darbara Singh, TGT, Math and one Vinod Kumar, TGT English, they are working in the same region of the applicant at the minimum pay scale/pay band of the scale of TGT Teacher w.e.f. 01.01.2006 (Annexures A-9 and A-10). However, the same claim of the applicant has been rejected in an illegal, arbitrary and discriminatory manner. Thus, the action of the respondent is discriminatory and the same is violative of the Articles 14 and 16 of the Constitution of India.
6. In the written statement filed on behalf of the respondents, it has been stated that where a person is appointed on or after 01.01.2006, his pay will be fixed under Section II of Part A of the First Schedule of the rules as indicated under para 8 of the said notification. However, to avoid anomaly, the guidelines for the stepping up of pay of Senior at par with juniors whose pay was fixed at the stage of entry pay of direct appointees were issued vide Samitis order No. 20-1/2008-NVS (Admn)/312 dated 26.3.2009 and further clarification vide Samitis letter dated 08.11.2011 (Annexure R-1). According to this clarification, the pay of the senior TGT is to be fixed with junior TGT whose name figured in the seniority list being maintained region wise and in the subject concerned. The

applicant has joined in this region only on 30.08.2009. He will be entitled to seniority in this region only from 03.08.2009 and thus cannot compare himself with the one who have been appointed prior to him in this region. Keeping in view the pay anomalies that can arise after implementation of Pay Commission, the pay of applicant has been stepped up by RO Bhopal as per office order No. 06/18.4.2011 with the one Sh. Moh. Saleem TGT (S.St.) of Bhopal Region who is junior to him. The applicant has joined in this region only on 30.8.2009. He will be entitled to seniority Jaipur region only from 3.8.2009 and thus cannot compare himself with one who have been appointed prior to him in this region.

7. It is further stated that the respondents have fixed the pay of Sh. K.K. Patel as Rs. 12540/- + Rs. 4600/- w.e.f. 01.02.2006 (date of joining service) as per Annexure A-6, but the averment made by the applicant that Sh. Patel belongs to the same subject of the applicant i.e. TGT (S. St.) is denied because as per Annexure A-6, Sh. Patel is holding the post of TGT (Science) and whereas the applicant was holding the post of TGT (S.St.) in Bhopal Region, which is of a different cadre and having different seniority list. As per the clarification conveyed by the Samiti regarding stepping up of pay vide letter F.No. 12-11/2011-NVS (Estt.)/414 dated 08.11.2011 the pay is to be stepped up to that of the junior person holding the same post, same subject and within the same region. As such, the pay of Sh. Vijay Pal, TGT (S. St.) cannot be stepped up with Sh. K.K. Patel, TGT (Science), NVS, RO, Bhopal in view of this position. The applicant is not entitled for stepping up of his pay with the co-employees of RO Jaipur

which has separate seniority list and applicant has joined in RO Jaipur only on 03.08.2009.

8. Rejoinder has been filed on behalf of the applicant wherein it had been reiterated that as per the Corrigendum dated 12.3.2009 issued by Ministry of Finance, the pay scales of TGT were revised to Rs. 7450-11500 so the basic pay of the applicant should have been taken 7450/- and then multiplying by 1.86 will be equal to $13860 + 4600$ (Grade Pay) = Rs. 18460/-. Thus, if the Corrigendum dated 12.3.2009 is taken into consideration while fixing the payment of applicant as on 1.1.2006, the same should have been Rs. 18460/- and if the pay of the applicant had been fixed by considering the minimum pay scale of a new entrant after 1.1.2006, the same should have been Rs. 18460/- and if the payment of the applicant should have been fixed by considering the minimum pay scale of a new entrant after 1.1.2006, then the pay of the applicant should have been Rs. 17140/-. But surprisingly the pay of the applicant has been fixed by considering the basic pay of the applicant as on 1.1.2006, as Rs. 6200 and then by applying the multiplier of 1.86 = $11540 + 4600 = 16140$. In this way, the pay of the applicant had been fixed less than even a new entrant. In NVS orders No. 20-1/2008-NVS (Admn.)/312 dated 26.3.2009 and clarification letter No. 12-11/2011-NVS (Estt.) 414 dated 08.11.2011, it has been clearly stated that pay of the seniors will be stepped up with their juniors if both (senior and junior TGTs) are directly recruited TGTs. It has nowhere been mentioned that seniority of TGTs will be maintained subject and region wise. The judgement of the

Principal Bench in OA No. 3679/2012 titled as Sheeja Santosh & Ors. Vs. Director General ESIC and Ors. decided on 07.05.2014 (Annexure A-12) has been cited to support the claim of the applicant.

9. When the matter was taken up for hearing, there was none to represent the applicant. Hence, Rule 15 of the CAT Procedure Rules has been invoked and we proceed to decide the matter.
10. Learned counsel for the respondents reiterated the contents of the written statement that the pay of the applicant had been fixed in accordance with the rules and there was no merit in the OA.
11. We have carefully perused the pleadings of the parties and the material on record. It is evident from the OA that the applicant is getting less pay than even the persons who have been recruited as TGTs on 1.1.2006 and thereafter, while he was appointed in 2004. The fixation of pay of a TGT in the NVS on the basis of the recommendations of the 6th Pay Commission cannot be linked with the seniority of the individual in the region in which he is working in a manner that he gets less pay than the directly recruited teachers who came into service after 1.1.2006. The judgement of the Principal Bench in Sheeja Santosh & Ors. (supra) although it relates to the ESIC, is very pertinent to the matter wherein it had been held as follows:-

Therefore, the applicants are entitled to get at least the minimum of Rs. 13860/- (Rs. 18460 with Grade Pay) as on 01.01.2006, as the same post when held by a direct recruit who joins on or after 1.1.2006 and one

who joined as direct recruit years earlier, cannot be given different pay scales, that too prejudicial to the persons who joined much earlier as it would violate Article 39(d) of the Constitution of India which has now assumed the level of a Fundamental Right and also Article 14 & 16 of the Constitution being irrational and arbitrary. The settled law is that no rules can be made in violation of the provisions contained in the Constitution of India.

12. In view of the above observations, this OA is allowed and the applicant is held entitled to the pay scale of Rs. 12540/- + 4600 (Grade Pay) = Rs. 17140/- as has been granted to a new entrant joining as TGT on 1.1.2006 or after that date as recommended by the 6th Pay Commission. Hence, the respondents are directed to re-fix the pay of the applicant within a period of three months of a certified copy of this order being served upon the respondents and the arrears due to him on this account, may also be released within this period. No costs.

(RAJWANT SANDHU)
MEMBER(A)

(SANJEEV KAUSHIK)
MEMBER(J)

Dated: October 21st , 2014.

True Typed Copy/Advocate

Annexure A

**NAVODAYA VIDYALAYA SAMITI
JAIPUR REGION - (RAJASTHAN, HARAYANA & DELHI STATES)**

An Autonomous Organisation of Ministry of H.R.D. Department of
School, and Literacy

GOVERNMENT OF INDIA

Phone 0141-2375110, 2379750, Fax 0141-2375426

Email: nvsipr@dataone.in. nvsipr@mail.com Gram: Navsam

**Regional Office:
18, Sangram Colony, Mahaveer Marg,
C-Scheme. Jaipur 302001
(Rajasthan) India**

F. 88-17/NVS-JR/Karnal/2007/3931

Dated: 05.11.2015, 18.11.2015

To

The Principal,
Jawahar Navodaya Vidyalaya
Distt. Karnal (Haryana)

Subject:- Proposal for re-fixation of initial pay in the up graded pay scale of
TGTs and Misc. Teachers – Regarding.

Reference: Your letter NO. JNVS/Pay Fixation/2015-16/979 dated 15.10.2015

Madam,

With reference to the subject cited above, the matter of fixation of pay on the entry scale to the NVS employees who joined Samiti Prior to 01.01.2006 was discussed in the detail and decided that sanction of entry scale to the teachers who filled case in CAT Chandigarh has been allowed subject to outcome of the writ petition in the high court.

Therefore, you are advised not to forward any application for sanction of entry scale.

Yours faithfully

Sd/-

(K.N. Upadhyay)

Dy. Commissioner I/C

Copy to:-

The Principal of all JNVs under Jaipur Region for information & necessary action.

True Typed Copy/Advocate



भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 142]

नई दिल्ली, बृहस्पतिवार, मार्च 12, 2009/फाल्गुन 21, 1930

No.142]

NEW DELHI, THURSDAY, MARCH 12, 2009/PHALGUNA 21, 1930

वित्त मंत्रालय

(व्यय विभाग)

अधिसूचना

नई दिल्ली, 12 मार्च, 2009

सा.का.नि. 161(अ).—संविधान के अनुबंध 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा केन्द्रीय सिविल सेवाएं (संशोधित वेतन) नियमावली, 2008 में संशोधन स्वरूप निम्नलिखित शुद्धिपत्र जारी किया जाता है:-

(i) क्रम संख्या 2, जो कि प्रशिक्षित स्नातक अध्यापक से संबंधित है के भाग XVII अध्यापक में सी सी एस (संशोधित वेतन) नियमावली, 2008 की पहली अनुसूची के भाग ख, खंड- II के तहत दी गई तालिका के भाग XVII अध्यापक में क्रम संख्या 2, जो कि प्रशिक्षित स्नातक अध्यापक से संबंधित है, को नीचे लिखे के अनुसार संशोधित किया जाएगा:-

(रूप में)*

क्रम संख्या	पद	वर्तमान वेतनमान*	संशोधित वेतनमान*	समवर्ती वेतनबैंड तथा ग्रेड वेतन*		रिपोर्ट की पैरा सं.
				वेतन बैंड	ग्रेड वेतन*	
1	2	3	4	5	6	7
2.	प्रशिक्षित स्नातक अध्यापक (टी.जी.टी.)	ग्रेड -III 5500-9000	ग्रेड III 7450-11500	पी.बी.- 2	4600	3.8.22
		ग्रेड II 6500- 10500	ग्रेड II 7500-12000	पी.बी.- 2	4800	
		ग्रेड I 7500-12000	ग्रेड I 8000-13500	पी.बी.- 3	5400	

(ii) केन्द्रीय सिविल सेवाएं (संशोधित वेतन) नियमावली, 2008 की पहली अनुसूची के खंड- II, भाग- ग के तहत दी गई तालिका में जल संसाधन मंत्रालय के लिए की गई प्रविष्टियों को नीचे लिखे के अनुसार संशोधित किया जाएगा:-

(रुपए में)*

क्रम संख्या	पद	वर्तमान वेतनमान*	संशोधित वेतनमान*	समवर्ती वेतनबैंड तथा ग्रेड वेतन*		रिपोर्ट की पैरा सं.
				वेतन बैंड	ग्रेड वेतन*	
1	2	3	4	5	6	7
1.	एक्स्ट्रा सहायक निदेशक (एच एम)	6500-10500	7450-11500	पी.बी.-2	4600	7.47.4
2.	केन्द्रीय जल एवं विद्युत शोध स्टेशन में अधीक्षक	6500-10500	7450-11500	पी.बी.-2	4600	7.47.6
3.	केन्द्रीय जल आयोग में सहायक निदेशक, ग्रेड. II	6500-10500	7450-11500	पी.बी.-2	4600	7.47.8

(iii) केन्द्रीय सिविल सेवाएं (संशोधित वेतन) नियमावली, 2008 की पहली अनुसूची के भाग- ग, खंड- II के तहत दी गई तालिका के संघ शासित क्षेत्र दिल्ली के शीर्षक के अंतर्गत दिल्ली के संघ शासित क्षेत्र में पुरातात्विक इंजीनियर से संबंधित क्रम संख्या 9 में नीचे लिखे के अनुसार संशोधन किया जाएगा:-

(रुपए में)*

क्रम संख्या	पद	वर्तमान वेतनमान*	संशोधित वेतनमान*	सहवर्ती वेतनबैंड तथा ग्रेड वेतन*		रिपोर्ट की पैरा सं.
				वेतन बैंड	ग्रेड वेतन*	
1	2	3	4	5	6	7
9	संघ शासित क्षेत्र दिल्ली में पुरातात्विक इंजीनियर	6500-10500	7450-11500	पी.बी.-2	4600	7.57.15

(iv) क्रम संख्या 7 पर दी गई प्रविष्टि, जो सी.सी.एस. (संशोधित वेतन) नियमावली, 2008 की प्रथम अनुसूची के खण्ड II भाग "ग" के तहत दी गई तालिका में संस्कृति मंत्रालय के तहत राष्ट्रीय संग्रहालय में उप संग्रहाध्यक्ष से संबंधित है, को हटा दिया जाएगा और क्रम संख्या 8 और क्रम संख्या 9 पर दी गई अनुवर्ती प्रविष्टियों को क्रमशः क्रम संख्या 7 और क्रम संख्या 8 के रूप में पढ़ा जाएगा ।

[फा. सं. 1/1/2008-आई सी]

मधुलिका पी. सुकुल, संयुक्त सचिव

पाद टिप्पणी :

केन्द्रीय सिविल सेवाएं (संशोधित वेतन) नियमावली, 2008 सा.का.नि. 622(ई) के अंतर्गत दिनांक 29 अगस्त, 2008/7 भाद्रपद, 1930 को अधिसूचित किया गया था ।

MINISTRY OF FINANCE
(Department of Expenditure)
NOTIFICATION

New Delhi, the 12th March, 2009

G.S.R. 161(E).—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the following Corrigenda to Central Civil Services (Revised Pay) Rules, 2008 is hereby issued:-

(i) Serial No. 2, which relates to Trained Graduate Teacher, in Part XVII TEACHER, of the table under Section II, Part B of the First Schedule to the CCS (Revised Pay) Rules, 2008 shall be modified as under :-

(in Rupees) *

Sl. No.	Post	Present scale *	Revised Pay Scale *	Corresponding Pay Band & Grade Pay *		Para No. of the Report
				Pay Band	Grade Pay *	
(1)	(2)	(3)	(4)	(5)	(6)	(7)
2.	Trained Graduate Teacher	Grade III 5500-9000	Grade III 7450-11500	PB-2	4600	3.8.22
		Grade II 6500-10500	Grade II 7500-12000	PB-2	4800	
		Grade I 7500-12000	Grade I 8000-13500	PB-3	5400	

(ii) Entries relating to Ministry of Water Resources in Table under Section II, Part C of the First Schedule to the CCS (Revised Pay) Rules, 2008 shall be modified as given below :-

(in Rupees) *

Sl. No	Post	Present scale *	Revised Pay Scale *	Corresponding Pay Band & Grade Pay *		Para No. of the Report
				Pay Band	Grade Pay *	
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.	Extra Assistant Director (HM)	6500-10500	7450-11500	PB-2	4600	7.47.4
2.	Superintendent in Central Water & Power Research Station	6500-10500	7450-11500	PB-2	4600	7.47.6
3.	Assistant Director Gr.II in Central Water Commission	6500-10500	7450-11500	PB-2	4600	7.47.8

(iii) Serial No. 9, which relates to Archaeological Engineer in UT of Delhi under title Union Territory of Delhi, of the table under Section II Part C of the First Schedule to the CCS (Revised Pay) Rules, 2008 shall be modified as under :-

(in Rupees) *

Sl. No	Post	Present scale *	Revised Pay Scale *	Corresponding Pay Band & Grade Pay *		Para No. of the Report
				Pay Band	Grade Pay *	
(1)	(2)	(3)	(4)	(5)	(6)	(7)
9	Archaeological Engineer in UT of Delhi	6500-10500	7450-11500	PB-2	4600	7.57.15

(iv) Entry at Serial No. 7, which relates to Deputy Curator in National Museum, under Ministry of Culture in the table under Section II Part C of the First Schedule to the CCS (Revised Pay) Rules, 2008 shall be deleted and subsequent entries at Serial No. 8 and Serial No. 9 shall be renumbered as Serial No. 7 and Serial No. 8 respectively.

[F. No. 1/1/2008-IC]

MADHULIKA P. SUKUL, Jt. Secy.

Foot Note:

The Central Civil Services (Revised Pay) Rules, 2008 were notified vide G.S.R. 622(E) dated the 29th August, 2008/Bhadrapada 7, 1930.