

Central Administrative Tribunal  
Principal Bench, New Delhi.

RA-42/2013 in

OA-657/2012

Reserved on: 18.03.2014.

Pronounced on:04.04.2014.

Honble Mr. G. George Paracken, Member (J)  
Honble Mr. Shekhar Agarwal, Member (A)

OA-657/2012

1. Uttam Singh (TGT-Hindi),  
S/o Sh. Ratan Singh,  
R/o A-21/3, Ram Vihar,  
Loni Road, Johri Pur Extension,  
Delhi-94.

Office Address:

Uttam Singh (TGT-Hindi),  
Govt. Boys Senior Secondary School,  
G.T. Road, Shahdara,  
Delhi.

2. Omkar Singh (TGT-Sanskrit),  
Employee ID: 20051162  
S/o late Sh. Shiv Charan,  
R/o 9/4825, Old Seelam Pur,  
Delhi-31.

Office Address:

Omkar Singh (TGT-Sanskrit),  
Govt. Boys Senior Secondary School,  
G.T. Road, Shahdara,  
Delhi.

3. Parikshit Kumar (PGT-Commerce),  
Employee ID: 20025053  
S/o Sh. Ved Pal Singh,  
R/o A-6, Shiv Vihar,  
Shalimar Garden Ext.II,  
Sahibabad, UP.

Office Address:

Parikshit Kumar (PGT-Hindi),  
Govt. Boys Senior Secondary School,  
G.T. Road, Shahdara,  
Delhi.

.. Review Applicants

(through Sh. K.P. Gupta, Advocate)

Versus

1. Govt. of NCT of Delhi through  
Its Chief Secretary,  
Delhi Secretariat, I.P. Estate,  
New Delhi.
2. Director of Education,  
Directorate of Education,  
Govt. of NCT of Delhi,  
Old Secretariat,  
Delhi.
3. Deputy Director of Education,  
District North East,  
Office of the Deputy Director of Education,  
District North East,  
Yamuna Vihar,  
Delhi.
4. Principal,  
Govt. Boys Senior Secondary School,  
G.T. Road, Shahdara,  
Delhi.
5. Vice Principal,  
Govt. Boys Secondary School,  
Saboli,  
Delhi-93.

.. Respondents

(through Sh. Vijay Pandita, Advocate)

O R D E R

Mr. Shekhar Agarwal, Member (A)

This Review Application has been filed by the applicants of OA-657/2012 for review of our order dated 10.01.2013. This review application has been filed mainly on two grounds each of which is discussed as hereunder:-

The first ground taken by the review applicants is that while passing the aforesaid order this Tribunal had lost sight of the manner in which pay fixation was done in the Ministry of Agriculture, which was specifically relied upon by the review applicants. We notice from our judgment that there is no mention of the pay fixation done in the Ministry of Agriculture. It, therefore, appears that there is force in the contention of the review applicants that this issue had escaped our attention while delivering the aforesaid judgment.

The second ground taken by the review applicants is that this Tribunal had agreed that anomaly existed in pay fixation of teachers inasmuch as the teachers appointed on or after 01.01.2006 were getting more pay than their seniors. The respondents had also agreed with this and had stated that for removing this anomaly they intended to consider stepping up pay of the applicants under FR-27 and had also issued a Circular dated 10.03.2010 to that effect. The Tribunal had relied on this assurance and had directed that all teachers such as the applicants need to be

considered under FR-27 for stepping of pay. The operative part of the order reads as under:-

10. Thus it is held that while the pay of the applicants has been rightly fixed as per the formula provided in Rule-7(1)(A)(i) & (ii), all the cases need to be considered under FR-27. The respondents are directed to complete the process under the said Rule within a period of three months from the date of receipt of a copy of this order. Till then recovery shall not be made from the applicants on account of stepping down of pay by Heads of Schools. There shall be no order as to costs.

However, now the respondents have gone back on their assurance, which is clear from the letter No. F38/11/Pay anomaly/P&PF/13/190 dated 07.05.2013 issued by the Directorate of Education, Govt. of NCT of Delhi to Ministry of HRD in which certain difficulties in stepping up pay of the senior teachers with respect to their juniors have been expressed. From this letter, it is clear that the pay of the teachers cannot be stepped up until and unless certain relaxations are made in the conditions for stepping up prescribed in the Ministry of Finance U.O. letter dated 27.02.2009. The review applicants pleaded that these difficulties are insurmountable and it is highly objectionable that pay anomaly of teachers would be removed by stepping up of pay as directed by the Tribunal.

2. We have considered this submission of the review applicants. From our judgment, we find that in Para-8 the following is recorded:-

8. The respondents have contended that as per the Circular dated 10.03.2010 issued by DCA (Education), the pay of senior teachers with respect to that of direct recruit junior teachers appointed in the entry pay on or after 01.01.2006 will be considered for stepping up under FR-27. Accordingly, all heads of schools have been directed to forward such cases to DCA (Education). It appears that the cases of the applicants have so far not been considered under this Circular.

Thereafter, relying on this, we have given our decision, the operative part of which has been quoted in the earlier part of this order. From the letter dated 07.05.2013 of Directorate of Education now produced by the review applicants with their rejoinder it appears that conditions for stepping up of pay of teachers as prescribed under the Ministry of Finance U.O. letter dated 27.02.2009 are not fully met in the cases of all the teachers. The respondents will, therefore, not be able to fulfill the assurance given, namely, that the pay of senior teachers would be stepped up. We, therefore, agree with the review applicants that our order dated 10.01.2013 needs a review on this ground as well.

3. On the basis of the above, we allow the review application and restore the O.A. for fresh adjudication.

4. List the O.A. for hearing on 15.05.2014.

(Shekhar Agarwal)  
Member (A)

(G. George Paracken)  
Member (J)

/vinita/