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KENDRIYA VIDYALAYA PRAGATISHEEL SHIKSHAK SANGH

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(Recognized by KVS under Ministry of HRD, Govt. of India)

Date: 02.12.2017

Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg
New Delhi – 110602

Subject: - Rectification of pay anomalies and fixation of pay of teaching staff as per the judgments of CAT (Principal Bench) Delhi, Hon'ble Delhi High Court and Hon'ble Supreme Court.

Sir,

Kendriya Vidyalaya Sangathan, after implementation of 6th Central Pay Commission recommendations has adopted the pay scales as prescribed in Central Civil Services (Revised pay) Rules 2008 for the teaching and non-teaching staff of KVS. Unfortunately the Officers sitting in the Kendriya Vidyalaya Sangathan while implementing the revised Pay Scales to the teaching staff, have done grave injustice while giving the benefit of Pay Revision as per the CCS (RP) Rules 2008. The 6th CPC Pay Scales have been implemented from 01/01/2006 for all Central govt. staff including the Teacher of KVS.

2. The 6th Central Pay Commission after detailed deliberations has specifically recommended revised pay scales exclusively for certain categories including Teachers. The Govt. of India in the notification dated 29th Aug, 2008 (The First Schedule Part B Section II) of CCS (RP) Rules has clearly notified the upgraded Pay Scales of Teaching staff before 01/01/2006 and the revised pay scales after 01/01/2006 a copy of the relevant portion of the notification is enclosed for ready reference at **ANNEXURE-I**.

3. As per the above notification, the pay of Primary School Teachers who were serving before 01/01/2006 has been upgraded to Rs 6,500-10,500. As per the FITMENT TABLES of CCS (RP) Rules 2008 the pay of Primary Teacher who was already in service before 01/01/2006, her pay after 01/01/2006 is required to be fixed minimum Rs 16,290 in the pay scale of Primary Teacher. Similarly the pay of the TGT has been upgraded to Rupees 7450-11500 before 01/01/2006. As per the FITMENT TABLE the minimum pay of the TGT who was serving 01/01/2006 is required to fixed minimum at Rs 18,460 for the Post Graduate

Teacher on the same analogy as per the rules is required to be fixed minimum at 18,750. Copies of the relevant FITMENT TABLE are enclosed at **ANNEXURE II**.

4. Recently Hon'ble High Court of Delhi in detailed interpretation of relevant provisions of Rule 11 of CCS (RP) Rules 2008, in the judgment dated 20/09/2017 in W. P.(C) 8119/2015 In the matter of Rajkumar Anand Vs Union Of India and others has ruled that revised pay of the teacher has to be fixed as per the FITMENT TABLE. The pay of Rajkumar Anand who was promoted as TGT was provided the replacement pay of the pre revised pay scale of Rs7450-11,500. His pay accordingly has been fixed at Rs 18,460 as per the FITMENT TABLE. Copy of the judgment is enclosed at **ANNEXURE III**.

5. Hon'ble Supreme Court in a recent Order dated 01/09/2017, while dismissing SLP-IA No. 77457/2017 filed by Govt. of India has also given following directions to the Govt of India

"We find that there are several matters in which the aggrieved employees have been going to the Tribunal, then to the High Court and thereafter those matters are brought before this Court at the instance of the Union of India/NCT of Delhi.

Once the question, in principle, has been settled, it is only appropriate on the part of the Government of India to issue a Circular so that it will save the time of the Court and the Administrative Departments apart from avoiding unnecessary and avoidable expenditure.

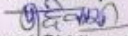
The present situation is that the stepping up is available only to those who have approached the Court. But since the issue has otherwise become final, we direct the Government of India to immediately look into the matter and issue appropriate orders for granting the pay-scale so that people need not unnecessarily travel either to the Tribunal or the High Court or this Court."

Copy of the Supreme Court Order is placed at **ANNEXURE IV**

6. In view of the directions of the Hon'ble Delhi High Court and Supreme Court it is requested that the pay of the Teaching staff of KVS who were in service as on 01/01/2006, be protected and the due benefit be given as per the provisions of CCS (RP) Rules 2008 to avoid multiple litigations all across the nation.

7. KVPSS shall be highly grateful for your prompt action in this regard.

Yours Sincerely


(Priyavrat Chhikara)