

**THROUGH PROPER CHANNEL**

To

The Commissioner  
NAVODAYA VIDYALAYA SAMITI  
B-15, Institutional Area, Sector-62, NOIDA,  
District- Gautam Budh Nagar, UP-201307

**Through:** 1) Principal , JNV.....,  
2) The Deputy Commissioner, NVS  
RO.....

**Subject:** REPRESENTATION SEEKING INTRODUCTION/EXTENSION OF MACP SCHEME WITH 3 FINANCIAL UPGRADATIONS AFTER 10,20 AND 30 YEARS OF SERVICE TO THE APPLICANT TEACHER W.E.F.01.09.2008 IN SUPERSESSION OF THE EXISTING 3-TIERS PAY STRUCTURE.

1. That the Applicant is a regular.....  
(Designation) presently posted at JawaharNavodaya Vidyalaya,  
.....and the applicant by way of this representation is seeking introduction/extension of MACP Scheme with 3 financial upgradations after 10,20 and 30 years of service to the applicant teacher w.e.f. 01.09.2008 in supersession of the existing 3-Tiers Pay Structure.
2. That the applicant joined the NVS as a regular .....  
(Designation) in Jawahar Navoda Vidyalaya,.....  
..... on ..... (Date of joining).
3. That details of **promotion** and **senior/selection scales** of the applicant are as under:
  - a) Promotion (if granted).....  
Name of promotional **post**- .....  
Date of promotion-.....
  - b) Date of senior scale (if granted):.....
  - c) Date of selection scale (if granted): .....
4. That in 1987, the Ministry of Human Resource Development vide O.M. No. F.5.180/86-UT.1 Dated 12.08.1987 revised pay scales of school teachers w.e.f. 01.01.1986 on the recommendations of the National Commission for Teachers and 3-Tier Pay Structure (Career

Advancement Scheme) was introduced with Entry Scale, Senior Scale(after 12 years' service) and Selection Grade (After 12 years' service in Senior Scale and attainment of qualifications laid down for Promotional Post). This benefit is of 4<sup>th</sup> Pay Commission.

5. That in 1992, the NVS issued an Office Order Dated 30.03.1992 to intimate its administration that NVS has adopted the Central Government Rules and Regulations for its employees mutatis- mutandis as the case may be, till such time Samiti frames its own Rules and Regulations.
6. That in 1998, in terms of Government Resolution Dated 30.09.1997 on 5th CPC Report, the MHRD vide O.M. No. F.5.14/97-UT.1 Dated 07.08.1998 revised pay scales of school teachers w.e.f. 01.01.1996 and 3-Tier Pay Structure (Career Advancement Scheme) of 1987 was continued with revised pay scales till a decision is taken by the Government with regard to the improvement in residency period proposed for school teachers.
7. That on 09.04.2002, the NVS issued a Notification Dated 09.04.2002 on implementation of ACP Scheme to non-teaching staff.
8. That on August 25, 2003, the Directorate of Education, Government of NCT of Delhi implemented the ACP Scheme the Delhi Government School teaching and non-teaching staff with retrospective effect i.e., from August 9, 1999.
9. That on 30.09.2004, the MHRD vide O.M. No. 12-10/2001/UT-1 Dated 30.09.2004 rejected the extension of ACP Scheme to Union Territories teachers but on 27.07.2005, the MHRD vide O.M. No. 12-10/2001/UT-1 Dated 27.07.2005 agreed to extend the ACP Scheme to teachers working in Union Territories.
10. That on 11.11.2008, the NVS issued a Notification Dated 11.11.2008 for revision of pay scales of employees of NVS in terms of Cabinet Resolution Dated 30.08.2008 on 6th CPC recommendations.

“11. Orders regarding Grant of Assured Career Progression (ACP) and other allowances and facilities for the employees of the Samiti will be issued separately.”
11. That on 19.05.2009, the Department of Personnel & Training introduced Modified Assured Career Progression (MACP) Scheme with three financial upgradations counted from the direct entry grade on completion of 10, 20 and 30 years' service respectively, in supersession of ACP Scheme for the central Government civilian employees as recommended by 6th CPC vide Office Memorandum No. -35034/3/2008-Estt(D) Dated 19.05.2009.
12. That on 11.11.2010, the NVS vide Notification Dated 11.11.2010 extended MACP Scheme to the non-teaching employees of the Samiti.
13. That the Ministry of Space vide O.M. No. A.12019/12/2011 Dated 10.04.2015 has implemented the MACP Scheme for the teaching staff.

14. That on 27.05.2015, the MACP Scheme was implemented in Sainik Schools by Sainik School Society, Ministry of Defence vide its Notification Dated 27.05.2015.
15. That in 2016, the 7th CPC in its Report has recommended normal replacement for the pay scales of school teachers. It does not say about residency period etc.
16. That on 28.09.2016, the Department of Personnel & Training introduced Modified Assured career Progression (MACP) Scheme for the central Government civilian employees as recommended by 7th CPC vide Office Memorandum No.-35034/3/2015-Estt(D) Dated 28.09.2016
17. That in 2017, the CBSE has issued a Notification Dated 25.08.2017 regarding Appointment, Service conditions and duties of the teachers in CBSE affiliated schools. Condition 4 of Annexure-I deals with salary and conditions of service of the teacher:

“4. Salary and Conditions of Service of the Teacher:

“c. The school shall ensure timely promotion after completion of residency period and benefit of Modified Assured Career Progression (MACP) to its teachers at par with teachers working in the similar grade in Central/State Government schools.”
18. That MACP is a condition of service and this position has been clarified by Respondent No. 3 Ministry of Finance vide O.M. No. F.No.A -26017/166/2018-Ad.IIA Dated 09.01.2019. Relevant portion is reproduced here as under:

“(iv) The MACP is a condition of service and, hence, cannot be given retrospective effect. It is up to Government to take a conscious decision to implement it uniformly from a certain date.”
19. It is submitted that the teachers working in NVS have been receiving lesser pay than their counterparts teachers working in Delhi Administration Schools, Union Territories Schools, Space Schools, Sainik School, Railway Schools and State Government Schools on account of MACP scheme benefits given to teachers working in Delhi Administration Schools, Union Territories Schools, Space Schools, Sainik School, Railway Schools and State Government Schools.
20. It is submitted that change in circumstances, stagnation and acuteness of promotion has never been taken into account by Central Government after National Commission for Teachers. Neither a National Commission for Teachers has been set up after 1983 nor ACP Scheme of 5th CPC was extended nor MACP scheme of 6th CPC was extended to NVS teachers while 3 Tier Pay Scale Scheme is of 4th CPC which makes denial of ACP/MACP scheme as well as Pay Commission Benefits to the applicant teacher without considering

change in circumstances, stagnation and acuteness of promotion is arbitrary, unreasonable, harsh, iniquitous, illegal, unconstitutional and is in violation of Articles 14, 16, 21, 300-A, 309 of the Constitution of India.

21. It is submitted that the Secretaries of Departments of Expenditure (Finance) , DOPT, DSEL(MHRD) and Union Minister of HRD in charge are part of Executive Committee of NVS in one capacity and they do not extend ACP/MACP to NVS teachers nor they improve residency period for NVS teachers while they have extended ACP/MACP to similarly situated organizations viz. Union Territories School Teachers, Space School Teachers, Railway School Teachers, Sainik School Teachers, Delhi Administration School Teachers Etc.
22. That an O.A. No.- 2451/2019 titled **Yogendra Kumar Sharma and others versus Navodaya Vidyalaya Samiti and another** on MACP was disposed of with direction at admission stage by Hon'ble Tribunal vide Order dated **21.08.2019** with following operative direction:

“6. The OA is disposed of, leaving it open to the applicants to file representation on specific and limited aspects to the concerned authority, through proper channel. As and when such a representation is made, it shall be dealt with, in accordance with law, within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs.”
23. That the applicant teacher being an aggrieved person and is a similarly situated person is filing this representation through proper channel that this representation be dealt with, in accordance with law, within a period of three months from its date of submission through proper channel.

#### PRAYER

In the light of above submissions made in Para 1 to 23 and considering change in circumstances, stagnation, acuteness of promotion, MACP as service condition, existing 3 Tier Pay Scale Scheme is of 4th CPC while ACP scheme is of 5th CPC and MACP is of 6th and 7th CPC and other genuine reasons, you are most humbly requested to kindly please to pass orders qua introduction/extension of MACP Scheme with 3 financial upgradations after 10,20 and 30 years of service to the applicant teacher w.e.f. 01.09.2008 in supersession of the existing 3-Tiers Pay Structure.

Place

Date

APPLICANT