

Central Administrative Tribunal, Principal Bench, New Delhi

R.A.No.281/2004 in

O.A.No.1969/2002

Hon'ble Mr.Justice V.S. Aggarwal, Chairman
Hon'ble Mr.S.A. Singh, Member(A)

New Delhi, this the 17th day of November, 2004

Shri Gurdev Kumar,
R/o WZ-22-A, Virender Nagar,
Gali No.10, New Delhi-58

.....Applicant

Versus

1. Government of NCT of Delhi,
Represented by the Secretary,
Training & Technical Education,
Muni Maya Ram Marg,
Pitam Pura, New Delhi

2. Director of Training & Technical Education,
Government of NCT of Delhi,
Muni Maya Ram Marg,
Pitam Pura, New Delhi.

3. Principal,
College of Art, Tilak Marg,
20-22, Tilak Marg,
New Delhi

.....Respondents

Order(By Circulation)

Justice V.S. Aggarwal, Chairman

Applicant is a Demonstrator-cum-Technician in Printing Technology in the College of Art. He had filed O.A.1969/2002 seeking setting aside of the order Annexure A-1 whereby his request for upgradation of his post to the post of Lecturer had been rejected. He was further seeking a direction that he should be placed in the pay scale attached to the post of Lecturer.

2.The petition was dismissed on 24.8.2004 holding that the plea of the respondents that Madan Committee report does not apply to him, must fail. However, it was held that the applicant does not have the teaching experience and he does not hold a Master's Degree in the appropriate branch of Fine Arts. Therefore, he did not fulfil the educational qualifications.

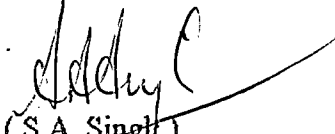
3.Applicant seeks review of the said order contending that this Tribunal had wrongly read the qualifications for the post of Lecturer. It erred in adjudicating that he had been appointed as a Lecturer. It is contended that the applicant meets the requirement of the recruitment rules.


4. We have no hesitation in rejecting the said contention.

5. The order has to be read as a whole and not one paragraph in isolation of the rest. In paragraph 16, the recruitment rules have been reproduced. So far as the first part of the recruitment rules is concerned, admittedly the applicant does not hold a Master's Degree in appropriate branch of the Fine Arts. As regards the second aspect which is the qualification prescribed in the alternative in paragraph 14, it has already been held that the applicant does not have the teaching experience. Therefore, he must be held to be not meeting the requirement of the recruitment rules.

6. So far as the Madan Committee report is concerned, the order recites that the applicant has been appointed after the said report and cannot take advantage of the same.

7. Resultantly, there is no error apparent on the face of the record. Review application must fail and is dismissed in circulation.


(S.A. Singh)
Member(A)


(V.S. Aggarwal)
Chairman

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