

(2)

Central Administrative Tribunal, Principal Bench
New Delhi

O.A. No.738/2002

New Delhi this the 31st day of October, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Mr. M. P. Singh, Member (A)

Shri V.K. Nijhawan,
S/o Late Shri R.P. Nijhawan,
R/o 104, Kapil Vihar,
Fitampura, Delhi-110034.

- Applicant

(By Advocate : Shri S.K. Gupta)

Versus

1. Govt. of NCT of Delhi,
through its Chief Secretary,
Players Bhawan,
I.P. Estate,
New Delhi-110002.
2. The Director,
Directorate of Training &
Technical Education,
Govt. of NCT of Delhi,
Muni Maya Ram Marg,
Pitam Pura, Near T.V. Tower,
Delhi-110034.
3. The Principal,
Bhai Parmanand Institute of Business Studies,
Govt. of NCT of Delhi,
Delhi.

- Respondents

(By Advocate : Shri Vimal Rathi, learned proxy
counsel for Shri Rajan Sharma)

ORDER (ORAL)

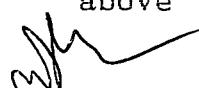
Shri M.P. Singh, Member (A) :

By filing the present OA, the applicant is seeking the following reliefs:-

"i) allow the instant OA and direct the Respondents to upgrade the applicant as "Lecturer" in scale of Rs.3000-13,500 in terms of Madan Committee recommendations & order dated 16.9.1997 as well as 9.3.2001, w.e.f. the date his other colleagues were so upgraded with all the consequences;

OR

In the alternative without prejudice to above prayer direct the respondents to



upgrade the applicant from the date he acquired the higher educational qualification of MBA i.e. March, 2000 with all its consequences;

- ii) and thereafter direct the respondents to take all necessary & consequential actions e.g. fixation of seniority, revised pay and allowances in terms of upgradation of the post of Instructor as Lecturer as per recommendations of Madan Committee report as well as seniority & promotion to the next higher grades etc., with all its consequences;
- iii) declare that the applicant cannot be subjected to any financial or status wise loss on account of respondents inaction with all its consequences;
- iv) further declare the respondents action in not permitting the applicant to upgradation in terms of Madan Committee recommendations applicable to Govt. of NCT of Delhi's Polytechnics as illegal, unjust and arbitrary with all its consequences;"

2. Brief facts of the case as stated by the applicant are that he was appointed as Instructor in the office of Respondent No.2 in the year 1989 in the pay scale of Rs.550-900. The post of the Instructor has been upgraded as Lecturer in terms of Madan Committee's recommendations, which are applicable to Staff working in Engineering and Management Institutions/Polytechnics under the control of Govt. of NCT of Delhi. The applicant did not possess the educational qualifications for appointment to the post of Lecturer as per unamended Recruitment Rules. The contention of the applicant is that since the Recruitment Rules have been amended vide notification dated 3.11.1999 and he is eligible as per the amended Recruitment Rules, he should be considered for appointment to the upgraded post of Lecturer (Stenography) in the pay scale of Rs.8000-13500/-

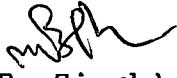
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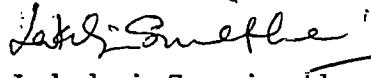
against the vacancies which have arisen after the amendment of the Recruitment Rules.

3. In their reply respondents have relied upon unamended Recruitment Rules and have contended that the applicant does not possess the requisite qualification as prescribed under the Recruitment Rules. He is, therefore, not eligible for consideration for the upgraded post of Lecturer (Stenography).

4. Heard both the learned counsel for the parties.

5. The main issue for consideration before us is whether the applicant is eligible for appointment to the upgraded post of Lecturer. It is for the respondents to ascertain as to whether the applicant now possesses the educational qualification as per the amended Recruitment Rules or not. They may, therefore, ascertain his eligibility and in case it is found that the applicant possesses the requisite qualifications as per amended Recruitment Rules, he should be considered for appointment to the upgraded post of Lecturer (Stenography) against the vacancies which have arisen after the amendment of the Recruitment Rules in accordance with rules, law and instructions within a period of two months from the date of receipt of a certified copy of this order under intimation to the applicant. No order as to cost.


(M.P. Singh)
Member (A)


(Smt. Lakshmi Swaminathan)
Vice Chairman (J)

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