

**Central Administrative Tribunal
Principal Bench**

OA No.2701/2014



New Delhi, this the 13th day of February, 2020

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A.K. Bishnoi, Member (A)**

Lalita Pali,
W/o Shri T. Pali,
R/o D-184, Sector-27,
Noida
(Retired Lecturer (Interior Decoration)
Aged about 65 years.

...Applicant

(By Advocate : Shri Ajesh Luthra)

Versus

1. Govt. of NCT of Delhi,
Through the Principal Secretary,
Directorate of Training & Technical Education,
Muni Maya Ram Marg,
Pitam Pura,
Delhi-110088.
2. The Principal,
Womens Polytechnic,
Maharani Bagh, Delhi.

...Respondents

(By Advocate : Shri Anil Singal for Ms. Pratima Gupta)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman :-

The applicant joined the service of the Training and Technical Education Department of GNCTD on 03.01.1974 as Studio Assistant (SA) in the Womens



Polytechnic. On 01.02.1984, the Department circulated vacancy notification for appointment to the post of Lecturer (Interior Decoration), on adhoc basis. It is stated that though the interview also held on 03.09.1984, the order of appointment was not issued, on account of the ban, operating at that time. On 08.11.1985, the applicant was appointed on ad hoc basis, as a Lecturer. Through an order dated 07.05.1997, her services were regularised w.e.f. 15.09.1992.

2. The All India Council for Technical Education (AICTE) framed a scheme for extension of benefit in Senior Time Scale (STS) to Lecturers who have completed six years of service. The applicant was extended the benefit from 09.09.1998, onwards, vide order dated 02.05.2011.

3. The applicant contends that the scheme itself provides for counting of ad hoc service for deciding the eligibility for STS and in that context, her service from 08.11.1985 to 15.09.1992 was ignored. Respondents are said to have invited objections in relation to the implementation of the scheme. The applicant submitted a representation in this behalf on 21.05.2013. However, no



reply was given to her. In this background, she filed this OA, for a direction to the respondents to count her ad hoc service from 08.11.1985 onwards, for the purpose of extending the benefit of STS.

4. Respondents submit that the appointment of the applicant on 08.11.1985 was purely on ad hoc basis and not in accordance with the Recruitment Rules. It is stated that her services were regularised w.e.f. 15.09.1992 and she was also granted the benefit of STS, on completion of six years of service from that date. The respondents have also raised the ground of limitation. Reliance is also placed upon an order dated 26.02.2016 passed in OA No.4296/2013, through which the OA claiming almost similar relief was rejected, on the plea of limitation.

5. We heard Shri Ajesh Luthra, learned counsel for applicant and Shri Anil Singal for Ms. Pratima Gupta, learned counsel for respondents.

6. The relevant dates are not in dispute. The applicant joined the service, initially as SA on 03.01.1974. He was appointed on adhoc basis, as Lecturer (Interior



Decoration) on 08.11.1985 and her services were regularised w.e.f. 15.09.1992, through an order dated 07.05.1997. On completion of six years of service from 15.09.1992, she was granted the benefit of STS. The controversy is as to whether her service from 08.11.1985 to 15.09.1992, needs to be taken into account, for this purpose.

7. Clause 9 of the Scheme framed by the AICTE clearly provides for counting of the ad hoc, contract or temporary service, subject to certain conditions. Clause 9

9.0 COUNTING OF QUALIFYING SERVICE FOR CAREER ADVANCEMENT

9.1 Counting of Service within the present Institution:

The duration of service in temporary capacity / contract appointment / ad -hoc appointment/ leave vacancy can be counted for promotion to Senior Scale / Selection Grade provided that:

- (a) The tenure of such appointment was one year or more than one year, without any break;
- (b) The incumbent with the prescribed selection procedure as laid down by concerned Board of Governors/ Institution's regulation/ Directorate of Technical Education / State Government/ Central Government ;
- (c) The concerned Lecturer possessed the minimum qualification prescribed by ACITE for appointment as Lecturers;



(d) The incumbent was selected to the regular post in continuation of service in a temporary capacity/ contract appointment / ad hoc appointment / level vacancy without any break.

9.2 Counting of Service outside the Institution:

Previous continuous service , as a Lecturer or equivalent in college , national laboratory, or other scientific organizations such as CSIR, ICAR, DROD etc., or in any public sector industrial undertaking may be counted for placement of Lectures in senior scale/ selection Grade provided that :

(a) The posts were in an equivalent grade/ scale of pay as the post of a Lecturer:

(b) The qualifications for the posts were not lower than the qualifications prescribed by ACITE for the post of Lecturer;

(c) The posts were filled in accordance with the prescribed selection procedures as laid down by the Board of Governors/ institutions regulations/ Directorate of Technical Education / State Government / Central Government:

(d) Ad hoc service / service in contract appointment / leave vacancy was of a continuous duration of not less than one year and further provided that :

(i) The incumbent was appointed on the recommendation of a duly constituted selection Committee; and

(ii) The incumbent was selected to the regular post in continuation of the as hoc / contract/ temporary appointment.

(e) The concerned Lecturer has possessed all the minimum qualifications prescribed by ACITE for appointment as Lecturers.



8. Though the respondents state that the appointment of the applicant in 1985 was not in accordance with the Rules, the fact remains that the applicant did comply with the qualifications, prescribed under the rules, that were in force, as on the date of the circulation of the vacancy. Therefore, in terms of the Clause 9 of the Scheme, the adhoc service rendered by the applicant was liable to be taken into count.

9. In the context of granting or moulding of relief, two factors are becoming relevant in this OA. First is that the applicant did not raise any objection in the year 1997, when her services were regularised only w.e.f. 15.09.1992. The second is that she approached this Tribunal much after the submission of the representation, and there was inordinate delay. We are of the view that balancing act can be done by granting the relief to the applicant for counting of her ad hoc service, but denying the benefit arrears.

10. We, therefore, partly allow the OA, directing that the respondents shall take into account, the ad hoc service of

the applicant, as Lecturer from 08.11.1985 to 15.09.1992 and re-determine her pension, within a period of two months, from the date of receipt of a certified copy of this order. She shall not be entitled to be paid any arrears.

There shall be no orders as to costs.



(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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