

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 2300/1999

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New Delhi, this the 2nd day of January, 2001

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)
Hon'ble Sh. Govindan S. Tampi, Member (A)

Smt. Kamlesh Saini,
w/o Shri Surya Kant Saini,
R/o H.No.612, Z.Type,
Timarpur, Delhi.

...Applicant.

(None present)

V E R S U S

Government of NCT of Delhi,
through Director Education
Old Secretariat, Delhi.

...Respondent.

(By Advocate Shri Vijay Pandita)

Q R D E R (ORAL)

By Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)

The applicant who had been appointed as a Yoga Teacher in January 1983 with the respondents, is aggrieved that they are taking discriminatory action against her as a Yoga Teacher by leaving her out for consideration for promotion to the post of Lecturer. One of the main reliefs prayed for by her is that a direction should be given to the respondents to include her name in the eligibility list for promotion to the post of Lecturer (Political Science) in terms of the amended recruitment rules which came into force with effect from 1996. She has also relied on the judgment of the Tribunal in Ram Kishan Rohilla & Anr. vs. Delhi Administration, (OA No. 2923/92), decided on 8-1-1998 (Annexure-A).

2. This case was listed at Serial No.1 under regular matters under the Heading that "Matters will be taken up serially and no adjournment will be granted". None has appeared for the applicant even

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though the case was called out twice. In the circumstances, we have carefully perused the records and heard Sh. Vijay Pandita, learned counsel for the respondents.

3. Neither the records relied upon by the applicant or the order passed by the Tribunal dated 8-1-1998 in OA No. 2923/92 will assist the applicant in the facts of the present case. Admittedly, the applicant has been appointed as a Yoga Teacher and belongs to TGT, (Miscellaneous category). The respondents have stated that there is no post of P.G.T. (Yoga) as they do not require such a post in the Directorate. They have further stated that as and when the requirement of P.G.T. (Yoga) arises, such posts will be created and the recruitment rules will be framed suitably with the requisite qualifications for the post.

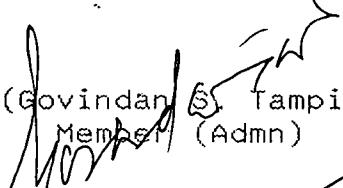
4. Sh. Vijay Pandita, learned counsel has relied on the judgements of the Supreme Court in V.K. Sood Vs. Secretary, Civil Aviation & Ors. (1993 Supp (3) SCC P.9); Mallikarjuna Rao & Ors. Vs. State of Andhra Pradesh & Ors. (1990 (2) SCC P.707) and Technical Executive and Pollution Welfare Association Vs. Commissioner of Transport Department & Anr. (JT 1997 (4) S.C. 172).

5. The applicant has submitted that she has already passed M.A. in Political Science in 1994 and also possesses B.Ed. Degree and, therefore, is eligible for consideration to the post of Lecturer (Political Science) in terms of the amended recruitment rules notified on 26-2-1996. The respondents have, however, stated that the amendment rules had created a number of difficulties in

implementation and, therefore, they were never acted upon. Thereafter these rules had been further amended by the recruitment rules of 4-11-1999 (Annexure A-2). These amended recruitment rules do not cover the Yoga Teachers, to which category the applicant belongs.

6. In the facts and circumstances of the case, we are unable to agree with the contentions of the applicant that the whole process of selection for promotion to the post of Lecturer should be quashed and set aside. Further, having regard to the aforesaid judgements of the Supreme Court relied upon by the learned counsel for the respondents, we do not also consider it fit to issue any such directions to the respondents to amend the recruitment rules of T.G.Ts (Yoga) for promotion to the higher post of P.G.Ts, as this would be within the purview of the executive to decide, ^{after} taking in to account all the relevant facts. The further claim of the applicant for promotion in terms of the amended recruitment rules of 26-2-96 will also not assist her because of the subsequent amendment to the recruitment rules issued by Notification dated 4-11-99.

7. For the reasons given above, we find no merit in this application and the same is accordingly dismissed. No order as to costs.


(Govindan S. Tampi)
Member (Admn)

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(Smt. Lakshmi Swaminathan)
Vice-Chairman (J)