

Central Administrative Tribunal, Principal Bench

Original Application No.2455 of 1999

New Delhi, this the 25<sup>th</sup> day of May, 2001

Hon'ble Mr.Kuldip Singh, Member (J)  
Hon'ble Mr. M.P. Singh, Member (A)

1.Jai Pal Sharma  
S/o late Shri Kanshi Ram  
Qr.No.112/224, Double Storey  
Seelampur Market, Delhi-53

2.Jai Singh  
S/o Shi Amar Singh  
House No.265 Gali No.1  
Bholanath Nagar,  
Shahdara, Delhi-32

....Applicants

(By Advocate: Shri Naresh Kaushik)

Versus

1.Union of India  
Ministry of Human Resources Development  
through its Secretary,  
(Department of Education)  
A2/W4, Curzon Road Barracks,  
New Delhi-1

2.The Director  
Directorate of Education  
Govt. of NCT  
Old Secretariat Building  
Delhi-6

....Respondents

(By Advocate: Shri Vijay Pandita)

ORDER

By Hon'ble Mr. Kuldip Singh, Member (J)

This is a joint OA filed by two applicants as they are aggrieved of an amendment made in column 11 of the recruitment rules requiring training from NIS Patiala in addition to continuous service of ten years for promotion to the posts of Swimming Coaches under the Directorate of Education, Government of NCT of Delhi, introduced by notification dated 19.2.90.

2. Facts in brief are that the applicants were serving as Life Guards under the Directorate of Education.

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Under the recruitment rules for Swimming Coaches, there was no provision for appointment of life guards by way of promotion. In order to provide promotional avenues to the life guards, amendment was brought in the recruitment rules of swimming coaches whereby 50% of the posts in their cadre would be filled up by life guards by way of promotion and rest 50% by direct recruitment. The avenue of promotion provided by introduction of this clause under column 10 of recruitment rules is alleged to have been withdrawn by introduction of another clause in column 11, which required that for promotion to the post of Swimming Coaches, the life guards must have completed training from NIS Patiala in addition to 10 years of continuous service. Both the applicants are aggrieved from this fact that why this amendment has been introduced that for promotion purpose also, a life guard must have completed training from NIS Patiala in addition to 10 years of continuous service. It is pleaded that this amendment in the recruitment rules is wholly unconstitutional as it imposes a precondition of training from NIS Patiala for the applicants and puts their experience at a back seat. It is stated that if the applicants would have been in a position to satisfy the requirement of training from NIS Patiala, then they could have opted directly for the posts of swimming coaches rather than joining as life guards. Applicants have submitted that the condition of training from NIS Patiala simultaneously with continuous service of ten years is wholly unjustified and this particular clause needs to be struck down.

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