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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

OA.No.2507 of 1999

New Delhi, this 17th day of April 2001

HON'BLE SHRI 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. Anand Saroop  
S/o Late Shri Saroop Singh  
Hr.No.212 Gali No.7 Krishna Nagar  
Safdarjung Enclave  
New Delhi-29
3. Richpal Singh  
S/o Late Shri Krishan Singh  
V&PO Dallupura, Delhi-96
4. M.M.Sharma  
S/o Shri S.C.Sharma  
25/C CGH Complex, Vasant Vihar  
New Delhi-57
5. Jai Singh  
S/o Shri Amar Singh  
H.No.265, Gali No.1  
Bholanath Nagar, Shahdara, Delhi-32
6. Dhani Ram  
S/o Shri Pirbhu Dayal  
272/1B Heera Nagar, Khandsa Road  
Gurgaon (Haryana)
7. ~~Bharat~~ Dutt  
S/o Shri Suraj Bhan  
N-2/11C Budh Vihar Phase-I  
Delhi-41
8. Vir Singh  
S/o Late Shri Dal Chand  
281 Sector-I Type-III Sadiqnagar  
New Delhi-49

... Applicants

(By Advocate: Shri Naresh Kaushik)

versus

1. Union of India  
through the Secretary  
Ministry of Human Resources Development  
Department of Education  
A./W.4, Curzon Road Barracks  
New Delhi-110001



2. The Director of Education(Admn)  
Govt. of N.C.T.  
Old Secretariat Building  
Delhi-94

... Respondents

(By Advocate: Shri Anil Kumar Chopra, through  
proxy counsel Shri R.K.Singh)

ORDER(Oral)

8 applicants have filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking direction to quash the communication dated 2.2.1999 issued by respondent no.2 and grant the benefits of teachers to the applicants with effect from the same date as have been allowed to the Coaches vide its decision dated 23.1.1992 with all consequential benefits.

2. Briefly, facts of the case, as stated by the applicants, are that they are working as Life Guards in the Schools functioning under respondent no.2. They are entitled to be promoted as Coach under the Recruitment Rules for the recruitment of Coaches. According to them, the duties of the Life Guards and Coaches are interchangeable and a Life Guard discharges the duties of Coach in his absence. The applicants herein submitted a representation to the respondents for grant of benefits available to the teachers in view of the fact that all duties of applicants are akin to those of teachers. However, the representation of the applicants has been rejected by the impugned communication dated

2.2.1999 without assigning any reason or deciding on merits. Aggrieved by this, they have filed this OA.

3. The respondents in their reply have stated that it is correct to some extent that duties of Life Guards and Swimming Coaches are similar. According to them, Swimming Coaches have been declared teachers by Union of India, but the demand of Life Guards for teaching benefits was rejected by them. The case of Life Guards for teaching benefits is under process and being reconsidered and re-examined afresh. The representation of the applicants was rejected on the advice of the Government of India, but the matter is being re-examined ab-initio. In view of the fact that the matter is being re-examined by the respondents, the present OA be dismissed as pre-mature.

4. Heard both the learned counsel for rival contesting parties and perused the record.

5. During the course of the arguments, the learned counsel for the applicants stated that the Recruitment Rules for the post of Life Guards and that of Swimming Coaches are similar. The educational qualification prescribed for both the posts is also similar. The duties and responsibilities of Life Guards and the Swimming






Coaches are akin and are interchangeable. The Life Guard assist the Coach in imparting the off-season training and in the absence of the Coach he looks affairs of the pool in addition to his normal duties. On the other hand, the learned counsel for the respondents stated that since the Life Guards are not performing the same duties which are performed by the Swimming Coaches, they cannot be granted the benefits of teachers as claimed by them.

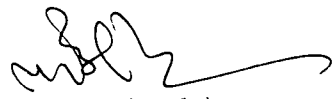
6. After hearing both the learned counsel and perusing the record, I am of the considered view that the duties and responsibilities of both Life Guards and Swimming Coaches are quite similar and in fact these are interchangeable. This fact has not been denied by the respondents in their reply. In fact, Life Guards are entitled to be promoted as Coach under the Recruitment Rules for the recruitment of the Coaches.

7. In view of the aforesaid facts and circumstances of the case, I am of the considered view that it would be appropriate and in the interest of justice if a direction is issued to the respondents to consider the representation of the applicants for grant of the benefits of teachers as requested by them.



8. In the light of the above discussions, the respondents are directed to consider the claim of the applicants by treating this OA as a representation of the applicants and pass a speaking, detailed and reasoned order within a period of three months from the date of receipt of a copy of this order.

9. The OA is disposed of with the above directions. No order as to costs.



(M. P. Singh)  
Member(A)

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