

Central Administrative Tribunal, Principal Bench

Original Application No. 569 of 1999

New Delhi, this the 23rd day of January, 2001

Hon'ble Mr.V.K.Majotra, Member (Admnv)
Hon'ble Mr.Shanker Raju, Member(J)

Mrs.Lalita Pali, Lecturer (Interior
Decoration), Meerabai Polytechnic, Maharani
Bagh, New Delhi.

- Applicant

(By Advocate - None)

Versus

1. Lt. Governor of Delhi through its
Secretary, Rajniwas, Delhi.
2. Union of India Thru' the Secretary,
Ministry of Home Affairs, North Block,
New Delhi.
3. The Director, Technical Education,
Government of NCT of Delhi, Vikas Sadan,
IP Estate, New Delhi-2
4. U.P.S.C., Thru' its Secretary, Dholpur
House, New Delhi.

- Respondents

(By Advocate Shri Vijay Pandita)

O R D E R (Oral)

By V.K.Majotra, Member(Admnv) -

This application is directed against letter dated 9.2.1999 (Annexure-A-1) issued by the Directorate of Training and Technical Education, New Delhi conveying to the applicant that the matter regarding change in the date of regularisation as Lecturer (Interior Decoration) from 15.9.1992 to 8.11.1985 was referred to the Union Public Service Commission but the Commission has not agreed for change in the date of regularisation of her appointment.

2. Earlier on the applicant had filed OA No.894 of 1989 which was disposed of vide order dated 18.10.1996 (Annexure-A-6) with the following directions:

"16. Having regard to the facts and circumstances of these two cases, we dispose them of with a direction to the respondents to examine the cases of the applicants for regularisation in consultation with the UPSC and pass a detailed, speaking and reasoned order within six months from the date of receipt of a copy of this judgment"

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The applicant joined as a Studio Assistant in the Department of Interior Decoration, Directorate of Technical Education, Delhi Administration on 3.1.1974 in the scale of Rs.550-900. On 1.2.1984 the respondents invited applications for filling up three vacancies of Lecturer (Interior Decoration) in the scale of Rs.700-1300 on temporary/ permanent/ adhoc basis. The qualifications for the post as notified on 1.2.1984 were as follows:

"Degree or equivalent Diploma in Fine/ Commercial Art with specialisation in Interior Decoration and Display

or

Degree of a recognised University with training in Interior Decoration and Display.

About two years teaching and/or professional experience in Interior Decoration and Display (Qualifications relaxable for candidates other than well qualified)."

The applicant is a graduate of Delhi University and a First Class Diploma Holder in Interior Decoration & Display from the Board of Technical Education. She was interviewed on 11.6.1984. According to her she was duly selected but not appointed. She was again interviewed on 3.9.1984. Meanwhile consequent to lifting of ban on recruitment the respondents appointed the applicant as a Lady Lecturer in Women's Polytechnic, Delhi with effect from 8.11.1985 on purely temporary and adhoc basis for six months. This appointment was extended from time to time. The applicant has sought a direction to the respondents to treat the period of service rendered by her as Lady Lecturer (Interior Decoration) from 8.11.1985 to 14.9.1992 as regular and thereby to change the date of her regularisation from 15.9.1992 to 8.11.1985 with all consequential benefits.

3. In their counter the respondents have contended that the applicant could not be regularised on the post of Lecturer with effect from a date earlier to

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15.9.1992. As she became eligible only on 15.9.1992, when the recruitment rules were amended whereby upgradation of persons holding lower level Group 'C' teaching post was covered under the provisions of Madan Committee recommendations which came into effect in the year 1988, regularisation with effect from 8.11.1985 is not possible according to the respondents. As per the earlier provisions in the Recruitment Rules it was imperative for the applicant to have appeared before the UPSC for selection by direct recruitment which she had not done. Her upgradation to the post of Lecturer without appearing before the UPSC for selection became possible only under the recommendations of the Madan Committee which were incorporated in the recruitment rules as per notification dated 15.9.1992 providing qualifications which she possessed.

4. In the absence of the applicant and her counsel we have proceeded to dispose of the matter under Rule 15 of the Central Administrative Tribunal (Procedure) Rules, 1987. However, we have heard Shri Vijay Pandita, learned counsel of the respondents and perused the material available on record.

5. At the time when the applicant was appointed recruitment rules as notified on 1.4.1969 (Annexure-R-1) were applicable. In our view, the applicant did not possess the essential qualifications prescribed under the rules for the post of Lecturer (Interior Decoration). She became eligible for the post of Lady Lecturer (Interior Decoration) in the Women's Polytechnic as per the recruitment rules notified on 15.9.1992 (Annexure-R-3). The essential qualifications under these rules are as follows:-

"(i) A Diploma/Degree in Interior Decoration/ Design of minimum 3 years duration of a recognised university/ Board or Institute or equivalent.

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(ii) 2 years professional and/or teaching experience in the field of Interior Decoration/ Design".

6. After the orders dated 18.10.1996 were passed in OA 894/89 the respondents passed order dated 7.5.1997 (Annexure-A-7) regularising the services of the applicant with effect from 15.9.1992. The applicant has not challenged this order. However, she has challenged Annexure-A-1 dated 9.2.1999 whereby her representation dated 3.10.1997 for review of the date of her regularisation as a Lecturer was turned down as UPSC had not agreed for change in the date of regularisation of her appointment from 15.9.1992 to 8.11.1985. The applicant had been appointed as a Lecturer on 8.11.1985 purely on adhoc basis when she was not qualified under the rules. She did not appear before the UPSC as required under the rules. She became eligible for appointment without facing the UPSC and with relaxed qualifications only after the recommendations of Madan Committee were implemented and the amended recruitment rules were notified on 15.9.1992. In our considered view there is no infirmity in the respondents' order dated 7.5.1997 (Annexure-A-7) and memorandum dated 9.2.1999 (Annexure-A-1). We are fortified in our view by the decision in the case of Union of India & others Vs. S.K.Sharma, (1992) 2 SCC 728 wherein it was held that adhoc service cannot be counted for determining seniority or regularisation.

7. In the result, the OA is dismissed being devoid of merit. No costs.

S. Raju

(Shanker Raju)
Member (J)

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V.K. Majotra

(V.K. Majotra)
Member (Admnv)