

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

R.A.NO.162/2001
IN
O.A.NO.1116/99

Friday, this the 7th day of September, 2001

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

1. Mrs. Rita Rani W/o Shri Vijay Gupta,
R/o H-160, Rama Krishna Vihar, 29,
I.P. Ext., Patparganj Delhi-92.
2. Mrs. Aruna Virmani W/o Shri K.C.
Virmani R/o F-8, Delhi Govt.
Officers' Flats, Model Town, Delhi.
3. Mrs. Gurjinder Kaur, W/o Late Shri
Jaswant Singh R/o 136/3, Sector-I,
M.B. Road, Saket, New Delhi.
4. Smt. T.M.F. Zaidi, W/o Shri B.
Ahmad, R/o B-59, D.D.A. Flats, Block
A, Vasant Vihar, New Delhi.
5. Mrs. Madhulika Misra, W/o Shri
Rajendra Misra, R/o 1166, Sector A,
Pocket A, Vasant Kunj, New Delhi.
6. Mrs. Utpala Bhattacharya, W/o Shri
Alok Bhattacharya, R/o EA-395, Maya
Enclave, SFS Flats, Rajouri Garden,
New Delhi.
7. Dr. Sukhdev Singh S/o Sh. Rup Singh
R/o B-66/1, Gautam Nagar, New
Delhi-49.
8. Dr. Padm Nabh Vasudeva S/o Sh.
Gurdas Ram Vasudeva, R/o DA-52-A,
Hari Nagar, New Delhi-64.
9. Shri Murari Lal S/o Shri Shanker Lal
R/o 370-B, Delhi Admn. Flats,
Timarpur, Delhi-54.
10. Mrs. Meera Kapoor, W/o Shri Rakesh
Kapoor, R/o A-105, Shanker Garden
(GF) New Delhi-18.
11. Mrs. Gunamrit Kaur W/o Sh.
Jagmohan, R/o A-105, Shanker Garden
(GF), New Delhi-18.
12. Ms. Subha Chauhan W/o Dr. Madhu Ray
R/o 49, D.D.A. Flats, Gulmohar
Enclave, New Delhi-49.
13. Ms. Veera Singh Parmar, W/o Shri
Vijay Parmar R/o E-10/5, DLF Qutab
Enclave, Phase-I, Gurgaon.

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14. Ms. Prabhu Jyoti W/o Shri Kulwant Singh R/o 217, Asiad Village, New Delhi-49.
15. Ms. Madhu Bansal W/o Shri Ashok Kr. Bansal R/o 135, Vasant Enclave, New Delhi-57.
16. Daleep Kalra W/o Sardar Manmohan Singh Kalra R/o I-99, Lajpat Nagar-I, New Delhi.
17. Mrs. Shakuntala Sinha W/o late Dr. C.P. Sinha, R/o A-37, Ashok Nagar, Ghaziabad (U.P.)
18. Mrs. Vijay Sehgal, W/o Sh. S.L. Sehgal, R/o D-134, Suraj Mal Vihar, Delhi.
19. Mrs. Gulshan Rai W/o Shri Naresh Kumar Rai, R/o A-15, Surya Nagar, Ghaziabad (U.P.)
20. Mrs. Neeta Sharma, W/o Shri Ajai Vaid R/o A-107, Pragati Vihar, New Delhi.

.....Applicants

(By Advocate: Shri M.L. Ohri)

Versus

1. Union of India, Through Lt. Governor, Raj Niwas, Delhi.
2. Chief Secretary, 5, Shammath Marg, Govt. of NCT of Delhi, Delhi.
3. Secretary (Education), Old Secretariate, Delhi.
4. Director of Education Directorate of Education, Old Secretariate, Delhi.

-Respondents

(By Advocate: Shri George Paracken)

O R D E R (ORAL)

By Hon'ble Shri V.K. Maiptra, M (A):-

The applicants have filed this application seeking review of order dated 8.3.2001 passed in OA-1116/99 (Annexure A-1). We have heard the learned counsel on both sides on this application. The learned counsel for the applicants contended that while passing order in question,



(3)

the Tribunal had taken into consideration the contention of the respondents that the recruitment rules provide promotional avenues for Educational and Vocational Guidance Counsellors (EVGC). The learned counsel stated that the post of Guidance Officer which is stated to be the promotional avenue for EVGCs is a promotional post for Counsellor Incharge Educational Vocational Guidance Bureau, after they have put in a service of 8 years in the grade and not for EVGCs and carries the same pay scale of Rs.6500-10500/- which is of the EVGCs. The learned counsel stated that the applicants in the OA have put in more than 20 years of service. In this view of the matter, the learned counsel contended that the post of EVGCs basically remain isolated posts and their promotion to the post of Guidance Officer in terms of the Recruitment Rules is impracticable, the pay scales of both being identical. The learned counsel for the respondents on the other hand stated that whereas the pay scales of the post of Guidance Officer and EVGCs is the same, the post of Guidance Officer is gazetted while the post of EVGC is not. The learned counsel for the respondents further stated that the order in question was not based on this point alone, it had also taken into account cognizance the ratio of an order dated 4.7.2000 passed in OA-2638/96 - Ms. Yasholini Ayaram & Another Vs. Govt. of NCT of Delhi & Ors., wherein EVGCs were not found eligible for consideration for promotion to the post of Vice-Principal. Drawing our attention to the

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reliefs claimed by the applicants in the OA, the learned counsel stated that the applicants' claim was that they should be included in the feeder cadre for Vice-Principal or the respondents could be directed to take up the matter with concerned authorities to create promotional avenues for EVGCs. From the recruitment rules for the post of Guidance Officer in the Directorate of Education, Delhi (Annexure P-III), we find that the applicants as EVGCs do not form the feeder cadre for the post of Guidance Officer. Moreover, both posts have the same pay scales. In this view of the matter, certainly, the patent error had crept in in the Tribunal's order.

2. In view of the prayer of the applicants in the OA that the respondents could be given a direction to consider creation of promotional avenues for the post of EVGCs, ways and means have to be found out for promotion for holders of this isolated post of EVGCs.

3. Having regard to the reasons recorded and discussion made above, we find it fit and proper to recall paras 6, 7 and 8 of the order dated 8.3.2001 passed in OA-1116/99. Taking the OA on its original number and after having heard the learned counsel of both sides today, in our considered view, it will duly serve the ends of justice if directions are issued to the respondents that on a representation to be made by the applicants within a period of two weeks from today, the respondents should consider the request of the applicants for creation of promotional avenues for the post of EVGCs which is an isolated post, particularly keeping in view the recommendations of the 5th Central Pay Commission

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contained in paragraph 22.41 of the report of the 5th CPC
Volume I which is reproduced below:-

"22.41 - Promotion opportunities to those holding isolated posts are almost non-existent. Since such isolated posts are filled by direct recruitment, incumbents of these posts generally retire in the same post to which they were recruited. Representations have been received by the Commission that in many cases, isolated posts are created even when the nature of duties assigned to the post are similar to those of a cadre post. We, therefore, feel that as a matter of policy, no isolated post should be created/sanctioned in future in Government. Posts sanctioned by Ministries/Departments should always be a

part of some organised cadre. If creation of a single post is indispensable, and it cannot be part of an organised cadre in the Ministry, efforts should be made to encadre such a post in an organised cadre existing in some other Department/Ministry. Such an attempt needs to be made even now and Ministries/Departments should review the isolated posts with a view to encadre them in an organised cadre in the Ministry/Department or outside it. In case creation of an isolated post becomes indispensable, the two higher scales to be given in a time bound manner under the Assured Career Progression scheme should be indicated in the orders for creation of the post itself."

4. The respondents are further directed to take a decision on the representation of the applicants expeditiously and not later than a period of five months from the date of receipt of a copy of this order by passing a reasoned and a speaking order.

5. The RA and the restored OA are disposed of in the above terms. No costs.

S. Raju

(Shanker Raju)
Member (J)

/sunil/

V. K. Majotra

(V.K. Majotra)
Member (A)

7.9.2001