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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. No. 2341 of 1996

New Delhi, dated this 15<sup>th</sup> February, 1997

HON'BLE MR. S.R. ADIGE, MEMBER (A)  
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Smt. J.K. Anand,  
w/o Mr. M.S.  
A-480, Sarita Vihar,  
New Delhi-110044. .... APPLICANT  
(By Advocate: Shri P.P. Khurana)

VERSUS

1. Govt. of N.C.T. of Delhi  
through the Director-cum-Secretary,  
Dte. of Training & Tech. Edu.,  
Vikas Bhawan, C-Block,  
NEW DELHI-110002.
2. The Principal,  
Meera Bai Polytechnic,  
Maharani Bagh,  
NEW DELHI .... RESPONDENTS

(By Advocate: Shri S.K. Gupta)

JUDGMENT  
By Hon'ble Mr. S.R. Adige, Member (A)

Applicant seeks a direction to respondents  
to treat the entire period of service rendered by  
her from March 1991 till date as Lecturer in Library  
SSc. and pay consequential benefits to her by  
upgrading the post which she is holding to that of  
Lecturer w.e.f. said date.

2. Applicant was appointed as Prof. Asst. in  
Dept. of Lib. Science, Maharani Bagh Women's  
Polytechnic, New Delhi on 30.11.73 at which point of  
time she was a Bachelor in Lib. Sc. and M.A.  
(Hindi).- She acquired M.A. in Political Science in  
1977 and Masters in Lib. Science in 1990. She filed  
O.A. No. 97/86 claiming Pay Scale of Rs. 550-900

allowed to posts of Studio Assts. /Lab. Technician, which was allowed by judgment dated 10.4.92, <sup>1</sup> ~~pe~~ngment to which respondents issued order dated 4.5.93. She contends that at the time she joined as Prof. Asst., she fulfilled the qualifications for the post of Lecturer in Lib. Sc. as per 1969 Recruitment Rules, but despite that she was not even considered for the post of Lecturer in Lib. Sc. and meanwhile in 1984 the Recruitment Rules were amended and made more stringent. She contends that as per Madan Committee's Report 1972 the lowest teaching post was recommended to be Lecturer, and no more <sup>W.R.</sup> appointments ~~to be made to levels of Asst. Lecturer/~~ Demonstrators/Prof. Assistants, etc. In regard to persons already positioned as such, it was recommended that such persons as fulfilled the minimum qualifications for the post of Lecturer be adjusted against the new posts of lecturers to be created by implementation of the recommendation and in regard to those who did not fulfil those adequate qualifications, it was stipulated that they be given adequate opportunities to improve their qualifications. Applicant avers that these recommendations were accepted by Govt. of India on 21.10.78, based on which Govt. Polytechnics in Delhi were covered vide letter dated 25.8.87 (Ann. P/9) whereby holder of posts of Professional Assistants, etc. were to be made Lecturers without facing any Selection Board, and posts of Prof. Assistants etc. were to stand abolished vide letter dated 10,11,88 (Ann. P/8). *A*

3. Applicant contends that as she did not qualify for the post of Lecturer in Lib. Sc. as per 1984 Recruitment Rules, and as the Madan Committee's recommendations stipulated that those holding posts lower than those of lecturers and not possessing the necessary qualifications should be given opportunity to improve the same, she took study leave, and at considerable cost to herself, successfully completed Masters degree in 1991. Thereafter she represented on 19.3.91 for upgradation of the post of Prof. Asst. she was holding to that of Lecturer in terms of the Madan Committee's report, and followed it up with several other representations, but without result. She contends that all this while she was performing the duties of lecturer. She further contends that meanwhile equivalent posts in other disciplines such as that of Studio Asst. in Dept. of Interior Decoration were selectively upgraded by respondents to that of Lecturer on an arbitrary and pick and choose basis, even by relaxing the essential prescribed qualifications, while in her case respondents took no steps to upgrade the post of Professional Asst. despite several representations.

4. Respondents in their reply state that the Madan Committee's recommendations are being implemented in a phased manner by Govt. of NCT of Delhi in consultation with HRD Ministry, Govt. of India who have not been made a party. In the first phase 40% of the posts have been upgraded/created and filled up by eligible officers, and as the applicant was not eligible for appointment as

Lecturer in Lib. Sc. at that stage of time, her case for appointment could not be considered then.

Respondents state that action for upgradation/creation of posts in 2nd and 3rd Phase has been initiated, and her case will be considered at the time of filling up these posts after taking into consideration her qualifications as per Recruitment Rules at that point of time.

5. We have heard applicant's counsel Shri Khurana and respondents' counsel Shri S.K. Gupta. We have perused the materials on record and given the matter our careful consideration. The upgradation/creation of posts is the public interest and is a matter of executive policy. Applicant has no enforceable legal right to claim that a particular post should be upgraded/created. Even otherwise, we note that respondents themselves state that the Madan Committee's recommendations are being implemented in a phased manner, and action for upgradation/creation of posts in 2nd and 3rd Phase has already been initiated and applicant's case will be considered, when, after the posts are upgraded/created, action is taken to fill them up. We are therefore unable to give a direction to the respondents as prayed for by applicant.

6. Meanwhile we are informed that applicant will be superannuating on 28.2.97 and a post of Lecturer in Lib. Science in Meera Bai Polytechnic is currently vacant, consequent to the retirement of one Mrs. Nirmal Gaur on 30.11.96. Action has separately been initiated by respondents to fill up

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that post on regular basis in accordance with rules, through UPSC. Admittedly that procedure will take some time and it is unlikely to be completed before the applicant retires on 28.2.97. Under the circumstances, in the event that the applicant represents to the authorities to permit her to discharge the duties attached to the post of Lecturer Lib. Sc. vacated by Mrs. Nirmal Gaur, for the remaining few weeks of her official career, <sup>on purely ad hoc basis</sup> respondents are called upon to consider the same sympathetically and in accordance with rules/instructions, with all possible expedition.

7. This O.A. is disposed of in terms of paragraphs 5 and 6 above. No costs.

A. Vedavalli

(Dr. A. Vedavalli)

Member (J)

S.R. Adige

(S.R. Adige)

Member (A)

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