

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O. A. NO. 2638/1996

New Delhi this the 4th day of July, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI V. K. MAJOTRA, MEMBER (A)

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1. Ms. Yasholini Ayaram
D/O Dr. James Ayaram,
Educational Vocational Guidance
Counsellor (EVGC),
R/O RS 195, Sayed Gaon,
New Delhi-110041.
2. Ms. Pushpa Nehru
D/O Pt. Kishan Lal Nehru,
Educational Vocational Guidance
Counsellor (EVGC),
R/O KD 150, MIG Flats,
Peetampura,
New Delhi-110034. Applicants

(Applicant No. 2, Ms. Pushpa Nehru, in person)

-Versus-

1. Government of N.C.T. of Delhi,
Old Secretariat, Delhi
through its Chief Secretary.
2. Secretary Education-cum-Commissioner,
Government of N.C.T.,
Directorate of Education,
Old Secretariat,
Delhi-110054.
3. Director of Education,
Government of N.C.T.,
Directorate of Education,
Old Secretariat,
Delhi-110054. Respondents

(By Shri Rajinder Pandita, Advocate)

O R D E R (ORAL)

Shri V.K. Majotra, AM :

Vide Annexure-II dated 15.7.1996, a large number of officials including applicant No.1 were promoted as Vice Principals on purely ad hoc and emergent basis for a period of six months and they were accorded postings vide order dated 1.8.1996 (Annexure-III). However, promotion of applicant No.1 to the post of Vice Principal was cancelled vide another order dated 1.8.1996 (Annexure-I).

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2. Applicants are working as Educational Vocational Guidance Counsellors (EVGCs). They are MA in psychology and holding post graduate diploma in educational vocational guidance and counselling. They claim that they are entitled for promotion to the post of Vice Principal and that their names have been included in the seniority list of Post Graduate Teachers (PGTs). Applicants have placed reliance on decisions of this Tribunal in O.A. No.858/86 - B.N.Mian v. Delhi Administration & Ors., dated 20.10.1987, and O.A. No.2580/91 - Tara Mody v. Delhi Administration & Anr., dated 8.5.1992. Applicants have claimed promotion as Vice Principals from the date their juniors were promoted vide orders dated 15.7.1996, 1.8.1996 and 1.11.1996.

3. In their counter the respondents have stated that the applicants are EVGCs and not PGTs; as per the recruitment rules only PGTs are eligible for promotion to the post of Vice Principals; the applicants are eligible for promotion to the post of Counsellor-in-Charge in the pay scale of Rs.2000-3500 (pre-revised) which is similar to the post of Vice Principal. The respondents have further stated that the name of Ms. Yasholini Ayaram (applicant No.1) was included in the seniority list of PGTs inadvertently which actually was not the seniority list but only information about service particulars. She was promoted to the post of Vice Principal on the basis of the same seniority list in which her name was included inadvertently. That is why her promotion was ultimately cancelled on detection of the mistake.

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Vide order dated 1.11.1996 eligible PGTs were promoted as Vice Principals.

4. We have heard the applicant No. 2, Ms. Pushpa Nehru, who is present in person as also the learned counsel for the respondents. We have also perused the material available on record.

5. Applicant No. 2 contended that a decision was taken in a meeting between the Director of Education and President, EVGC on 18.11.1992. As follows: "The Counsellors should be included in the seniority list of PGTs for the purpose of promotion and other service benefits." However, the respondents have not amended the relevant recruitment rules related to promotion in pursuance of the decision. The applicants claim they have similar qualifications to that of the PGTs; their duties and responsibilities are also similar; and they are also eligible for promotion to the post of Vice Principals like PGTs. The learned counsel for the respondents has refuted the claim of the applicants stating that the duties of EVGCs are different than ^{those of} the PGTs; whereas the PGTs teach students of 11th and 12th standards, the EVGCs do not. Under the rules, the feeder cadres for promotion to the post of Vice Principals are PGTs (Special Cadre) excluding PGTs (Physical Education); PGTs (Admn. Cadre) excluding Physical Education; PGTs (Tech. Education); and Head Masters of Middle Schools with three years regular service with a Master's degree. The category of EVGCs does not form a feeder cadre for promotion to the post of Vice Principals. From the recruitment rules, we also find that the essential

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qualifications and desirable qualifications are also different for the two categories of PGTs and EVGCs. In Annexure-XVIII which is "Guidance Programme for the Session (1987-88) and onwards for Schools Guidance Counsellors", it has inter alia been stated, "The Counsellors will not be used as extra hand for any work except in the area of guidance, as this work requires full time efforts of E.V.G. Counsellor. They will not be used as substitute for subject teachers or given invigilation duty under any circumstances." From Annexure-XVIII it is clear that the duties and responsibilities of EVGCs are entirely different than those of the PGTs. In the cases of B.N.Mian and Tara Mody (supra), we find the issue involved was regarding age of superannuation. For that purpose it was deemed that the Guidance Counsellors should be deemed to be school teachers for purposes of retirement on superannuation at the age of 60 years. Those judgments do not relate to the issue of promotion of EVGCs. It does not follow from those judgments that EVGCs form a feeder line for promotion to the post of Vice Principals.

6. From the facts and circumstances of the case, it is apparent that the EVGCs have been attempting at the same treatment, ~~to exercise the rights and seek the same~~ benefits and career prospects as are available to the PGTs. But, the rules, as they stand, do not provide for such benefits and facilities to EVGCs. Till such time the recruitment rules are modified to make the EVGCs eligible for consideration for promotion to the post of Vice Principals, the

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EVGCs including the applicants will have to be content with whatever is permissible under the extant rules.

7. In the light of the above discussions and reasons, we do not find the applicants eligible for consideration for promotion to the post of Vice Principal under the extant rules. The O.A. is accordingly dismissed, but without any order as to costs.

V. K. Majotra

(V. K. Majotra)
Member (A)

Ashok Agarwal

(Ashok Agarwal)
Chairman

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