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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI

D.A. No. 716/94

New Delhi: ~~February~~ ^{MARCH}

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

1. Shri S.S. Taneja
F/o Shri J.D. Taneja
Workshop Instructor
Science Branch
Sc. Centre No.3
New Delhi
2. Shri R.K. Madan
S/o Shri Ram Chand
Workshop Instructor
Science Centre No.2,
New Delhi
3. Shri R.R. Tejjayan
S/o Shri G. M. Lal
Workshop Instructor
Science Centre No.4
New Delhi
4. Shri S.S. Bhatia
S/o Shri Sahib Singh
Workshop Incharge
Sc. Centre No.
New Delhi
5. Shri S.D. Keswani
S/o Shri Hot Chand
Workshop Incharge
Sc. Centre No.4
New Delhi
6. Shri K.K. Malhotra
S/o Shri T.R. Malhotra
Workshop Incharge
Sc. Centre No.3
New Delhi
7. Mrs. Kiren Wadhwa
W/o Shri M.L. Wadhwa
Curator Museum Incharge
Sc. Centre No.4
New Delhi

-----Applicants

By Advocate Shri S.K. Bisaria, Counsel for Applicants

VERSUS

1. Lt. Governor of Delhi
through
Chief Secretary
Govt. of NCT, Delhi
2. Director of Education
Govt. of NCT, Old Secretariat,
Delhi.

----- Respondents

By Advocate Shri D.N. Trishal, Counsel for Respondents

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JUDGEMENT

In this application Shri S.S. Taneja and 6 others all employed as Workshop Instructor/Incharge, or as Curator in Science Centre 3 and 4, New Delhi have impugned the respondents order dated 9.3.94 (Annexure 1) rejecting the representations of the applicants dated 15.2.94 holding that the applicants are neither teachers, nor are they performing teaching functions, nor are they academically qualified and hence are not entitled to stagnation increment, teaching allowance and medical allowance admissible to teachers employed in Delhi Administration.

2. Shortly stated, the applicants case is that four Science Centres were opened in Delhi by the respondents for imparting Science Education where the applicants are employed; and they alongwith Senior and Junior Science Concillors, and ~~Field~~^{File} Officers are collectively imparting training to Science Teachers, Lab. Assistants and also students through refresher courses/seminars, group discussions, science fairs, workshops etc. The applicants claim that they were appointed on the basis of ~~the basis~~ of their technical qualifications and it is ~~averred~~^{alleged} that Workshop Instructors are being treated as TGTs while Workshop Incharges are being treated as PSTs, and by letter dated 16.9.87 the posts held by the applicants are being treated as analogous and interchangeable with that of school teachers. It is stated that by letter dated 6.9.83 Govt. of India sanctioned medical allowance @ Rs.15/- p.m. instead of reimbursement scheme to teachers, and by letter dated 23.9.84 stagnation increment was sanctioned to them. Further more, it is stated that by letter dated 28.3.87, the Science Branch was declared as a school within the definition of the Delhi School Education Act and accordingly the benefit of stagnation increment, medical allowance and teaching allowance was sanctioned to the applicants alongwith school teachers w.e.f. 20.3.80, but the same was,

was, however, cancelled vide letter dated 25.4.88 (Annexure 6). It is contended that several petitions were filed by different groups of employees working the Science Centres before the Tribunal challenging the order of cancellation dated 25.4.88. Eventually the Tribunal allowed those petitions declaring that Senior Sc. Councillors, Jr. Sc. Councillors, etc. working in the Science Branch, TV Branch etc. were entitled for all allowances vide O.As. No. 1350, 1351 and 1347 of 1988 dated 14.10.93 but in the case of the applicants, the Tribunal instead of allowing their claims, disposed of the O.A. with the direction to the respondents to consider the case of the applicants for these benefits vide O.A. No. 1502/88 decided on 15.10.93 (Annexure 7). The applicants contend that on the basis of the said judgement, the respondents issued a show cause notice to the applicants on 3.2.94 in reply to which they submitted a detailed representation, but the same was disposed of by non-speaking order, without proper application of mind, rejecting the claim of the applicants. They contend that SUPW/ Work Experience Teacher and one or two others, namely Shri Jeet Singh and Shri K.C. Dey similarly situated in the Science Centres with the same qualifications, experience, duties and responsibilities are receiving these allowances, and therefore the applicants cannot be discriminated against by denial of these allowances to them.

3. The respondents in their reply have challenged the O.A. While not denying that the pay scales of Workshop Instructors/ Workshop Incharges is the same as that of TGTs/PGTs respectively, they point out that duties and functions are not comparable and the posts are not interchangeable. In regard to SUPW/work experience teachers, the respondents point out that they are performing the duties of teachers and similarly Shri Jeet Singh and Shri K.C. Dey were appointed as Craft Teachers unlike the applicants ^{which has not been specifically denied in the respondent's} It is also pointed out that in compliance of the

Tribunal's directions in judgement dated 15.10.93 in O.A. 1502/98 filed by the very applicants, a show cause notice was issued to them, ~~applicants~~. ^{it was} their representation received and considered, and, thereafter rejected on the ground that they were not holding the posts of teachers; nor were they performing the duties of teachers. Hence the application was fit to be dismissed.

4 . I have heard Shri Bisaria for the applicant and Shri Trishal for the respondents. I have also perused the materials on record and considered the matter carefully.

5. Admittedly, these very applicants had filed O.A.No.1502/98 earlier which was decided on 15.10.93 (Annexure- 7). In that judgment, it had been categorically held that the applicants could not be regarded on par with PGTs and TGTs. That finding which was based on merits, and reached after hearing both parties is conclusive, as no appeal or review petition appeared to have been filed. However, having regard to the fact that the applicants had been enjoying the benefits of these allowances for about 7 months, which were suddenly withdrawn without giving them an opportunity to show cause; as well as the need to avoid frustration and lowering of morale; and the necessity of examining more closely whether these allowances were to be limited to those working in teaching institutions alone; the respondents had been directed to give the applicants a hearing and then decide as to whether the applicants should be accorded the benefit of stagnation allowance, medical allowance and to what extent they deserved grant of a non-teaching allowance.

6. Accordingly, a show cause notice dated 2.2.94 was issued to the applicants, in reply to which they submitted a detailed representation (Annexure-1), but in that representation once again the same grounds had been taken which were taken.

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in O.A.No.1502/88 and rejected by the Tribunal by judgment dated 15.10.93 namely that the applicants' duties, responsibilities, qualifications, pay scales etc. are equivalent to and fully comparable with those of school teachers and they are, therefore, eligible for all the allowances admissible for school teachers. After consideration of that representation, the respondents by impugned order dated 9.3.94 have rejected the same, holding that the applicants are not entitled to these allowances as they are neither teachers, nor are they performing teaching functions nor are they academically qualified.

7. As the applicants themselves did not press any fresh grounds in their representation to the respondents, but confined themselves to reiterating the earlier grounds for continuance of these allowances, which had been rejected by the Tribunal itself on merits by judgment dated 15.10.93, they cannot have a legitimate grievance and allege non-application of mind, arbitrariness, illegality etc. if the respondents for the very reasons which prompted the Tribunal, rejected the representation.

8. Under the circumstances no good grounds have been made out to warrant any interference at this stage. The O.A. is, therefore, dismissed. No costs.

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(S.R. ADIGE)
MEMBER (A)