

20

Central Administrative Tribunal
Principal Bench

O.A. No. 2083 of 2000

New Delhi, dated this the 17th May, 2002.

HON'BLE MR. S.A.T.RIZVI, MEMBER (A)
HON'BLE MR. SHANKER RAJU, MEMBER (J)

1. Prem Prakash Gupta,
S/o Late Shri Chinta Mani,
Aged about: 56 years,
Resident of: 2/6, Aryabhat Enclave,
Ashok Vihar,
Delhi-110052.

And employed as:

Lecturer (Selection Grade) in
Aryabhat Polytechnic,
G.T.Karnal Road,
Delhi.

2. Dr.I.S.Kakar,
S/o Late Shri Prem Singh,
Aged about: 57 years,
Resident of: 2/6, Sangtrashan,
Pahar Ganj,
New Delhi-110055.

And employed as:

Lecturer (Selection Grade) in
Pusa Polytechnic,
Pusa
New Delhi-110012.

3. P.K.Jain,
S/o Late Shri Kailash Chand Jain,
Aged about: 59 years,
Resident of: D-II/95, I.T.I. Campus,
Pusa
New Delhi-110012.

And employed as:

Head of the Department in
Pusa Polytechnic,
Pusa,
New Delhi-110012.

4. Bhagwan Dass Mendiratta,
S/o Late Shri Heta Ram Mendiratta,
Aged about: 54 years,
Resident of: House No.178,
Pocket B-7, Sector 4,

dr

(2)

21

ROHINI

DELHI

AND EMPLOYED AS:

Head of the Department in

Pusa Polytechnic,

Pusa

NEW DELHI - 110012

5. SURESH CHAND JAIN,

S/O Late Shri Jagan Nath Jain,

Aged about: 46 years,

Resident of: A-24, C.C. Colony,

Opposite R.P. Bagh,

DELHI - 110007

AND EMPLOYED AS:

Lecturer (Senior Scale) in

Aryabhat Polytechnic,

G.T. Karnal Road,

DELHI

6. LOKPAL SINGH NEGI

S/O Late Shri B.S. Negi,

Aged about: 48 years,

2

Resident of: 84-R, C.P.W.D. Complex,
Vasant Vihar,
NEW DELHI - 110057

AND EMPLOYED AS:

Lecturer (Selection Grade) in
Pusa Polytechnic,
Pusa
NEW DELHI - 110012

7. V. NARAYANAN

S/o Late Shri T. Venkataraman,
Aged about: 55 years,
Resident of: D/85,
I.T.I, Pusa Campus,
NEW DELHI - 110012

AND EMPLOYED AS:

Principal in
Pusa Polytechnic,
Pusa
NEW DELHI - 110012

8. BALDEV KRISHAN TANGRI

S/O Shri Amrit Lal,

2

22

(47)

Aged about: 60 years,

Resident of: B-34, Fateh Nagar,

NEW DELHI - 110018

AND EMPLOYED AS:

Head of the Department in

Pusa Polytechnic,

Pusa

NEW DELHI - 110012

9. MRS. S. KUMAR

W/O Shri Trilok Kumar,

Aged about: 59 years,

Resident of: Cottage No.12, Ground Floor,

West Patel Nagar,

NEW DELHI - 110008

AND EMPLOYED AS:

Head of the Department in

Meera Bai Polytechnic,

NEW DELHI - 110012

10. MRS. SUMITA CHOPRA

D/O: Late Shri W.R. Sehgal,

Aged about: 59 years,

15)
Resident of: Flat No.2,
Meera Bai Polytechnic Campus,
Maharani Bagh,
NEW DELHI

AND EMPLOYED AS:

Lecturer (Selection Grade) in
Meera Bai Polytechnic,
NEW DELHI

11. V.K. SINHA GADDE

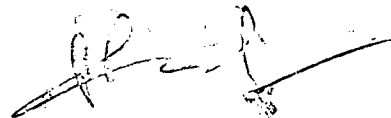
S/O Late Shri L. Gadde,
Aged about: 68 years,
Resident of: D-139,
Freedom Fighters Enclave,
NEW DELHI – 110068

AND RETIRED AS:

Principal from
Pusa Polytechnic,
Pusa
NEW DELHI - 110012

12. MRS. ARCHANA BAJAJ

2 W/O Shri Deepak Bajaj,



(25)A

Aged about: 51 years,
Resident of: 9A/44, W.E.A.
Karol Bagh,
NEW DELHI - 110005

AND EMPLOYED AS:

Lecturer (Senior Scale) in
Meera Bai Polytechnic,
NEW DELHI - 110012

13. H.K. DASS,

S/O Shri B.R. Verma,
Aged about: 65 years,
Resident of: D-1/87, Janakpuri,
NEW DELHI - 110068

AND RETIRED AS:

Lecturer from
Pusa Polytechnic,
Pusa
NEW DELHI - 110012

14. D.D. JAIN

S/O Late Shri G.M. Jain,
Aged about: 70 years,

2

Signature

(7)

24B

Resident of: A-72, Saraswati Vihar,

DELHI – 110034

AND RETIRED AS:

Lecturer from

Pusa Polytechnic,

NEW DELHI - 110012

15. VED PARKASH GUPTA

S/O Late Shri H.C. Gupta,

Aged about: 67 years,

Resident of: D-773,

Saraswati Vihar,

DELHI – 110034

AND RETIRED AS:

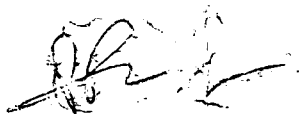
Lecturer from

Arya Bhat Polytechnic,

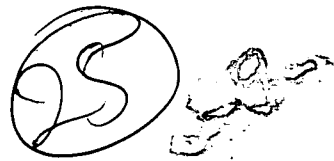
G.T. Karnal Road,

DELHI

16. C.R. DARGAN



(8)



S/O Late Shri Narain Dass Dargan,

Aged about: 62 years,

Resident of: 10-C, Pocket 3,

Mayur Vihar (Phase I)

DELHI – 110091

AND RETIRED AS:

Lecturer (Electrical Engineering)

Pusa Polytechnic,

Pusa,

NEW DELHI – 110012

17. INDIRA PAL

S/O Shri Ram Lal,

Aged about: 61 years,

R/O: House No.627, Sector 37,

FARIDABAD

AND RETIRED AS:

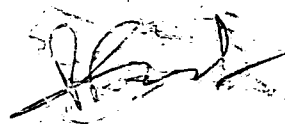
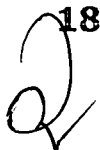
Selection Grade Lecturer (Mechanical)

Aryabhat Polytechnic,

G.T. Karnal Road,

DELHI

18. I.M. KAPOOR



(9)

25A

S/O Late Shri B.D. Kapoor

Aged about: 60 years

Resident of: 7/1, South Patel Nagar,

NEW DELHI

AND EMPLOYED AS:

Head of the Department (Electrical Engineering)

Pusa Polytechnic,

Pusa,

NEW DELHI – 110012

19. RAJESH KUMAR JAIN

S/o Shri B.S. Jain,

Aged about: 45 ½ years

Resident of: A-73, Brij Vihar,

Ghaziabad (U.P.)

AND EMPLOYED AS :

Lecturer in

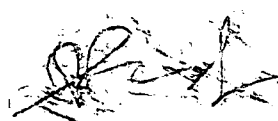
Ambedkar Polytechnic,

NEW DELHI

20. J.P. GOEL

S/O Late Shri Banarsi Dass,

Aged about: 58 ½ years,



(10)

96

Resident of: B-35, Sawan Park,

Ashok Vihar,

DELHI – 110052

AND EMPLOYED AS:

Lecturer in Mechanical Engineering (Selection Grade)

In Aryabhata Polytechnic

G.T. Karnal Road,

DELHI

21. SUBASH CHANDER

S/O Shri Shadi Lal Sabharwal,

Aged about: 49 years,

Resident of: C-532, Saraswati Vihar,

DELHI – 110034

AND EMPLOYED AS:

Head (Mechanical Engineering) in

Aryabhat Polytechnic,

C.T-Karnal Road,

DELHI

22. OM PRAKASH

S/O Shri Bhauri Singh

Aged about: 59 years,

2

96

(11)
Resident of: G-337, Shalimar Gardens Ext. 2

Shahibabad,

Ghaziabad (U.P.)

26 A

AND EMPLOYED AS:

Lecturer Civil Engineering (Senior Scale) in

Aryabhat Polytechnic,

G.T-Karnal Road,

DELHI

23. R.K. CHADHA

S/O Shri D.N. Chadha,

Aged about: 51 1/2 years,

Resident of: 2/7, Aryabhat Enclave,

Ashok Vihar,

DELHI – 110052

AND EMPLOYED AS:

Lecturer in English (Selection Grade) in

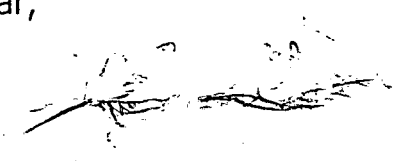
Aryabhat Polytechnic,

C.T-Karnal Road,

DELHI

24. S.K. MAJUMDAR

S/O Late Dr. C.L. Majumdar,



(19)

27

Aged about: 47 years,

Resident of: D-II/86, I.T.I. Campus,

Pusa,

NEW DELHI – 110012

AND EMPLOYED AS:

Senior Lecturer (Selection)-Printing in

Pusa Polytechnic,

Pusa,

NEW DELHI – 110012

25. S.K. JAIN

S/O Shri Mithu Lal Jain,

Aged about: 42 ½ years,

Resident of: C-21, Hari Nagar Extension,

Badarpur,

NEW DELHI – 110044

AND EMPLOYED AS:

Lecturer, Mechanica Engineering in

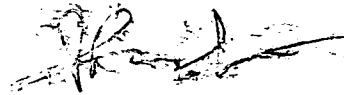
G.B. Pant Polytechnic,

Okhla,

NEW DELHI

26. V.K. VERMA

2



(13)

27A

S/O Shri O.P. Verma,

Aged about: 46 1/2 years,

Resident of: 94, Maitri Apartments,

Mayur Vihar Phase I,

DELHI – 110091

AND EMPLOYED AS:

Lecturer, Electrical Engineering in

G.B. Pant Polytechnic,

Okhla,

NEW DELHI

27. RAJENDRA SAXENA

W/O Shri K.S. Saxena,

Aged about: 59 years,

Resident of: 2/1, Aryabhat Enclave,

Ashok Vihar-3,

DELHI – 110052

AND EMPLOYED AS:

Head of the Department

(Garment Fabrication Technology)

Aryabhat Polytechnic,

G.T.-Karnal Road,



(14)

98

DELHI

28. MRS. RITA DARBARI

W/O Shri D.N. Darbari,

Aged about: 55 years,

Resident of: B-30, Pamposh Colony,

Greater Kailash-I,

NEW DELHI

AND EMPLOYED AS:

Head of the Department in

Aryabhat Polytechnic,

G.T.-Karnal Road,

DELHI

29. MRS. ARCHANA BHATNAGAR

W/O Shri R.N. Bhatnagar

Aged about: 47 years,

Resident of: A-301, Shivalik,

NEW DELHI – 110017

AND EMPLOYED AS:

Senior Lectuter in

Meerabai Polytechnic,

Maharani Bagh,

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28A

NEW DELHI.

30. MRS. NIRUPAMA GUPTA

W/O Dr. R.P. Gupta,

Aged about: 52 years,

Resident of: Type V, 2, N.C.E.R.T. Campus,

Hauz Khas,

NEW DELHI – 110016

AND EMPLOYED AS:

Head of the Department (Electronics),

Kasturba Polytechnic,

Pitampura,

NEW DELHI

31. P.L. KOHLI

S/O Late Shri Ram Bhaja Kohli,

Aged about: 52 years,

Resident of: 168, Sector 9,

Faridabad – 121 006 (Haryana)

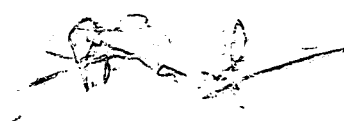
AND EMPLOYED AS:

Head of the Department,

G.B. Pant Polytechnic,

Okhla,

2



NEW DELHI

(16)

29

32. K.C. NARANG

S/O Shri Uttam Singh Narang,

Aged about: 64 years,

Resident of: H-187, Phase I,

Ashok Vihar,

DELHI - 110052

AND RETIRED AS:

Lecturer from

Aryabhat Polytechnic,

C.T-Karnal Road,

DELHI

33. MRS. SHANTI GOEL

W/O Dr. G.D. Goel,

Aged about: 62 years,

Resident of: 561/62, Double Storey,

Ground Floor,

New Rajendra Nagar,

NEW DELHI - 110042

AND RETIRED AS:

Principal,

2

(17) 20
Meerabai Polytechnic,
Maharanai Bagh,
NEW DELHI – 110065

34. J.C. MOUDGIL

S/O Late Shri Sita Ram Moudgil,
Aged about: 61 ½ years,
Resident of: F-13-A, SFS Flats,
Saket,
NEW DELHI – 110017

AND RETIRED AS:

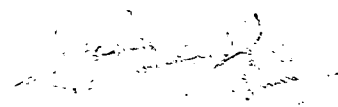
Head of the Department (Civil Engineering)
Pusa Polytechnic, Pusa,
NEW DELHI – 110012

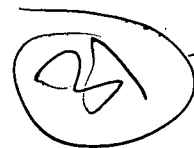
35. MS. MINAKSHI Y. SULE

D/O Late Shri Y.B. Sule
Aged about: 64 years,
Resident of: B-178, Sheikh Sarai Phase I,
NEW DELHI – 110017

AND RETIRED AS:

Principal FROM





Meerabai Polytechnic

Maharani Bagh,

NEW DELHI

36. S.L. GUPTA

S/O Shri Devi Sahai,

Aged about: 62 years

Resident of: 212, Ashoka Enclave-I,

Faridabad-121003

AND RETIRED AS:

Lecturer (Selection Grade)

Pusa Polytechnic,

Pusa,

NEW DELHI – 110012

37. MRS. SANTOSH PAL

W/O Late Shri O.P. Pal,

Aged about: 70 ½ years,

Resident of: 4/21, Vikram Vihar,

Lajpat Nagar-IV

NEW DELHI

(19)

32

And employed as:

Head of the Department from
Meerabai Polytechnic,
Maharani Bagh,
New Delhi.

38. Mrs. Kumud Awasthi,
W/o Shri Bharat Awasthi,
Aged about: 59 years,
Resident of: House No.410, Sector 21,
Gurgaon-122 060 (Haryana)

And employed as:

Head of the Department from
Meerabai Polytechnic,
Maharani Bagh,
New Delhi.

...Applicants.

(By Advocate: Shri B.B.Raval)

Versus

1. Government of N.C.T. of Delhi
Through: The Chief Secretary,
5, Sharnath Marg, Delhi.

2. The Secretary (Education),
Ministry of Human Resource Development,
Government of India,
Shastri Bhawan,
New Delhi-110001.

3. The Director (Technical Education)
Govt. of N.C.T. of Delhi,
Near T.V.Tower,
Muni Maya Ram Marg,
Pritampura,
Delhi-110034.

...Respondents.

(By Advocate: Ms. Neelam Singh)

ORDER

By Hon'ble Shri S.A.T. Rizvi, Member (A)

38 applicants in this OA, some of whom have retired from service, are aggrieved by Respondent No.3's letter dated 14.6.2000 (Annexure A) issued to the Principals of Polytechnics whereby it has been conveyed that the Government of N.C.T. of Delhi has not agreed to implement the AICTE's recommendations in the case of Lecturers in Polytechnics w.e.f. 1.1.1986. The aforesaid recommendations related to the revision of the pay scales applicable to teachers.

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2. The applicants' case is that a certain Committee known as "Dogra Committee" was appointed to go into the question of revision of the pay scales of the teaching staff of the Engineering Colleges as well as Polytechnics and whereas the recommendations made by that Committee in respect of the Engineering College staff has been accepted and implemented, those relating to the Lecturers in Polytechnics had been implemented after an abnormal delay and not from 1.1.1986.

3. Learned counsel appearing on behalf of official Respondents No. 1 and 3 has submitted that the Lecturers, Heads of Departments and Principals have been given the benefits of the revised pay scales and also of the Career Advancement Scheme in accordance with the recommendations of the AICTE only prospectively. The revised pay scales have been made applicable w.e.f. 16.1.96 and the Career Advancement Scheme from 1.1.1986. The aforesaid dates are precisely, the dates from which the Government of N.C.T. of Delhi has granted approval in respect thereto. According to him, the Dogra Committee had no doubt made recommendations with regard to revisions in pay scales etc. but a final decision in the matter is required to be taken by the Government of N.C.T. of Delhi. Further, a decision in the matter could be taken by Government of N.C.T. of Delhi only in consultation with the Ministry of Human Resource Development (HRD), Government of India. On account of financial implications, the Ministry of HRD found itself unable to agree to the revision in

(21)

34

the pay scales in respect of Lecturers with retrospective from 1.1.1986. Thus, in the light of consultation held with the Ministry of HRD, the Government of N.C.T. of Delhi decided to grant the benefit of revised pay scales to the Lecturers with prospective effect. The benefit of the Career Advancement Scheme was also extended similarly with prospective effect. The aforesaid benefits have accordingly been extended respectively from 16.2.96 and 1.11.96. The learned counsel has submitted that as laid down by the Supreme Court in Union of India Ors. Vs. P.V. Hariharan and Ors. reported at 1997 SLR (2) 232, determination of pay scales, revised or original, is within the domain of expert committees whose recommendations are to be examined and a decision thereon taken by the appropriate Government. These are matters in which the Courts and the Tribunals should not ordinarily venture to give decisions. The relevant extract taken from the aforesaid decision of the Supreme Court can be usefully reproduced as under:

"5. Before parting with this appeal, we feel impelled to make a few observations. Over the past few weeks, we have come across several matters decided by Administrative Tribunals on the question of pay scales. We have noticed that quite often the Tribunals are interfering with pay scales without proper reasons and without being conscious of the fact that fixation of pay is not their function. It is function of the Government which normally acts on the recommendations of a Pay Commission. Change of pay scale of a category has a cascading effect. Several other categories similarly situated, as well as those situated above and below, put forward their claims on the basis of such change. The Tribunal should realise that interfering with the prescribed pay scales is a serious matter. The Pay Commission, which

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goes into the problem at great depth and happens to have a full picture before it, is the proper authority to decide upon this issue. Very often, the doctrine of "equal pay for equal work" is also being mis-understood and mis-applied, freely revising and enhancing the pay scales across the board. We hope and trust that the Tribunals will exercise due restraint in the matter. Unless a clear case of hostile discrimination is made out, there would be no justification for interfering with the fixation of pay scales."

4. Learned counsel appearing on behalf of the applicants has drawn our attention to various letters placed on record in his bid to convince us that the applicants who were Lecturers in Polytechnics had a right to be treated on par with the Engineering College Staff and, therefore, the benefits in question should have been extended to them also w.e.f. 1.1.1986.

5. The letter dated 21.8.1991 (Annexure A-4), for instance, has been issued by the Ministry of HRD, Government of India to the Directorate of Technical Education, Delhi Administration, requesting the Directorate to submit proposals for revision of pay scales in terms of the recommendations of the AICTE. These are the same as the recommendations made by the aforesaid Dogra Committee. This was followed by a letter dated 18.12.1992 (Annexure A-4) by which the Government of N.C.T. of Delhi has conveyed to the Ministry of HRD, Government of India, the details^{of} expenditure involved in the upgradation of pay scales. The letter shows that the Government of N.C.T. of Delhi was at that time considering the matter in consultation with the AICTE. Yet another letter dated 4.3.1994 (Annexure A-5) shows that the Government of N.C.T. of Delhi at the level of the

(23)

(240)

Cabinet decided to recommend the revision of pay scales of Polytechnics teachers for the consideration of the Central Government. In follow up of the aforesaid decision a letter was sent to the Additional Secretary, Ministry of HRD, Government of India on 23/26.8.1994 (Annexure A-6) in which an excellent case has been made out in support of the applicants' claim for revision of their pay scale w.e.f.1.1.1986.

6. By their letter of 29.6.1995 (Annexure A-9), the Ministry of HRD, however, conveyed that they could have no objection to the grant of the revised pay scales if the Government of NCT of Delhi wanted to extend the said benefits to the Polytechnics' teachers only prospectively. It had been stated in the aforesaid letter that the Central Government was not in a position to make any kind of financial provision for implementation of the revised pay scales. The subsequent letter dated 6.5.1996 (Annexure A-11), to which also our attention has been drawn, proceeds to clarify that the State Government could go ahead with the implementation of the revised pay scales without casting any financial liability on the Government of India.

7. We have considered the submissions made by the learned counsel on either side.


8. It is seen that the matter regarding revision of pay scales could be decided by the Government of N.C.T. of Delhi only in consultation with the Ministry of HRD. The Government of India


(24)

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(Ministry of HRD) has made it clear that adequate financial provision could not be made if the benefits in question were to be extended with retrospective effect from 1.1.1986. They had no objection, however, to the aforesaid revised pay scales being given prospectively. Accordingly, as already stated, the benefit of the revised pay scale has been extended from 16.2.1996 and at the same time the benefit under the Career Advancement Scheme has also been extended to the Lecturers of Government Polytechnics from 1.1.1986. The fact that during the process of consultation between the Government of N.C.T. of Delhi and the Ministry of HRD, favourable recommendations have been made by the senior functionaries of the Government of N.C.T. of Delhi or by the Cabinet itself will not materially alter the situation. The Ministry of HRD which was to decide the matter finally has agreed to the grant of pay revision only prospectively. If one has regard to the ratio of the judgement rendered by the Supreme Court in Union of India and Ors. Vs. P.V.Hariharan & Ors. (supra), no room is left to us for interfering in the matter as the decision in question has been taken by the competent authorities on the basis of the recommendations made by an expert committee.

9. In the light of foregoing, we find neither any merit nor any substance in the present OA which is dismissed. The parties will bear their own costs.


(Shanker Raju)
Member (J)


(S.A.T. Rizvi)
Member(A)

/kd/