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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.2385/89

New Delhi this the 27 day of May, 1994.

HON'BLE SHRI S.R. ADIGE, MEMBER (A)
HON'BLE SMT LAKSHMI SWAMINATHAN, MEMBER (J)

1. K.C. Malik, ITI, Pusa
2. Jia Lal, ITI, Pusa
3. Raghubir Singh, ITI, Jahangirpuri
4. Dina Natha, ITI, Pusa
5. Y.P. Sardana, ITI, Sabzimandi
6. Pyare Lal, ITI, Arab Ki Sarai
7. Darshan Lal Sharma, ITI, Arab Ki Sarai
8. Sachidanand, ITI, Malviya Nagar
9. N.K. Shah, ITI, Malviya Nagar
10. B.P. Dhar, ITI, Arab Ki Sarai
11. Rajinder Prakash, ITI, Pusa
12. Praveen Kumar, Vaid, ITI, SabziMandhi
13. K.D. Sharma, ITI, Jail Road
14. R.N. Bali, ITI, Malviya Nagar
15. Dharamjit Singh, ITI, Arab Ki Sarai
16. A.S. Saxena, ITI, Malviya Nagar
17. S.S. Gill, ITI, Jahangirpuri
18. H.B. Narula, ITI, Jail Road
19. Mohinder Bir Singh, ITI, Arab Ki Sarai
20. P.C. Jalwania, ITI, Pusa
21. Anarjit Singh Bhatia, ITI, Pusa
22. Rajpal Singh, ITI, Jahangirpuri
23. P.P. Walia, ITI, Arab Ki Sarai
24. P.C. Sharma, ITI, Pusa
- ~~25. XXXXXXXXXX ITI Pusa~~
26. N.S. Mani, ITI, Malviya Nagar
27. H.K. Malhotra, ITI, Pusa
28. T.N. Wadwan, ITI, Pusa

.... Applicants

C/o the Director, Directorate----- Applicants
of Training & Tech. Education,
Rouse Avenue, New Delhi.

By Advocate : Shri S.K. Bisaria
VERSUS

1) Lt. Governor
through
Chief Secretary
Delhi Administration
Delhi

2) The Director
Directorate of Training and Tech. Education
Rouse Avenue, New Delhi
Delhi

3. Shri Mohan Lal

4. Shri C.S. Kasana, ITI, Subzi Mandi
5. Shri Rati Ram Gupta, ITI, Malviya Nagar
6. Smt. Krishna Hasanwalia, ITI, Siri Fort
7. Shri A.G. Yalvalwar (P.T.)

8. Shri Makhan Lal
9. Shri Balwant Rai
10. Shri Kishori Lal
11. K. Majumdar
12. Shri P.S. Verma, ITI, Pusa
13. Shri B.R. Sachdeva, ITI, Pusa
14. Shri R.M. Anand, ITI, Malviya Nagar
15. Shri K.M. Kapur, Pusa Polytechnic
16. Shri C.L. Bhardwaj, ITI, Arab Ki Sarai
17. Shri Yograj Pal, ITI, Arab Ki Sarai
18. Shri B.K. Sharma, ITI, Pusa *Draftsman Mech.*
19. Shri S.P. Jain, ITI, Arab Ki Sarai
20. Shri Gurcharan Singh, ITI, Arab Ki Sarai
21. Shri Ved Prakash Sharma, ITI, Shahdara
22. Shri R.C. Goel, ITI, Nand Nagri
23. Shri S.S. Bohra (Retd.)
24. Shri P.L. Chawla, ITI, Pusa
25. Shri J.R. Arora, ITI, Arab Ki Sarai
26. Shri S.N. Malhotra. (Retd.)
27. Shri C.B. Setia, ITI, Jail Road
28. Shri S.C. Sharma, ITI, Arab Ki Sarai
29. Shri M.L. Anwani, ITI, Malviya Nagar
30. Shri Pritam Singh, ITI, Shahdara
31. Shri Gurbux Singh, ~~ITI~~, Pusa
32. Shri ~~B.P. Malik~~, (Retd.)
33. Shri S.N. Sehgal (Retd.)
34. Smt. Tara Rani, (Retd.)
35. Shri ~~Namak Singh Chopra~~, (Retd.)
36. Shri O.C. Kapur (Retd.)
37. Shri N.K. Chopra, ITI, Jahangirpuri
38. Shri H.C. Nakera (Retd.)
39. Shri K.K. Grover, ITI, Pusa
40. Shri Remeshwar Dayal, ITI, Nand Nagri
41. Shri Harveer Singh, ITI, Shahdara
42. Smt. Santosh, ITI, Arab Ki Sarai
43. Shri J.C. Yadav, ITI, Pusa
44. Shri C.B. Mathur, ITI, Sabzi Mandi
45. Smt. Chandrakant, ITI, Subzi Mandi
46. Shri M.L. Vyas, ITI, Shahdara
47. Smt. Kuldip Sethi, ITI, Malviya Nagar
48. Shri D.N. Chakravarti (Retd.)
49. Smt. Nirmal Chawla, ITI, Subzi Mandi
50. Smt. Prabha Saxena, ITI, Siri Fort
51. Shri Kanwar Sain, (Retd.)
52. Shri Lajpat Rai Khira (Retd.)
53. Shri B.R. Sachdeva, ITI, Pusa
54. Smt. Manya Priya, ITI, Kichhripur
55. Shri Tilak Raj (Retd.)
56. Shri P.S. Verma, ITI, Pusa
57. Shri R.N. Tuli, ITI, Shahdara
58. Shri B.L. Chugh, ITI, Pusa
59. Shri Prakash Chander (Retd.)
60. Shri N.K. Lahiri, ITI, Arab Ki Sarai
61. Shri H.B. Juneja, ITI, Arab Ki Sarai
62. Shri A.L. Arora, ~~ITI~~, Pusa
63. Shri Herbans Lal, ITI, Pusa
64. Shri T.N. Kaushik, ITI, Nand Nagri
65. Shri K.S. Walia, ITI, Pusa
66. Shri Mangat Lal, ITI, Pusa
67. Shri Rattan Singh, ~~ITI~~, Pusa

Respondents No. 3 to 67 to ----- Respondents.
be served through Respondent No.2.

ORDER

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

In this application Shri K.C. Malik & 27 others, all of them are working in ITI under Delhi Administration have impugned the order dt 27.10.89 (Annexure-I) granting selection grade in the cadre of Craft instructors.

2. The applicants ~~alleged~~^{aver} that the Delhi Administration is running various ITIs to impart technical training to students in various grades. Each such ITI initially had two kinds of instructors, viz. Junior Instructors (Gr B, 180-280) and Senior Instructor (Rs.210-380) and appointment in each grade ^{was made} on the basis of direct ^{recruitment} independently and separately. Besides that, there used to be ^{the post of} Supervisor Instructor in the higher grade of Rs.250-380. Round about 1970, ^{the} two grades of Juniors ^{Instructors} and Senior Instructors were merged into one grade of Rs.250-550, which, on the basis of Third Pay Commission recommendations was revised to Rs.440-750, ^{while the} ~~the~~ grade of Supervisor instructor was revised to Rs.550-900. After the merger of the grades of junior instructor and senior instructor, ^a common seniority list was issued by respondents No.2, which was challenged in the Delhi High Court and was finally transferred to the Tribunal for disposal vide T.A. 727/85 (CW-4159/82). According to the applicants; meanwhile, the Third Pay Commission, ~~1983~~¹⁹⁸⁴ recommended the introduction of selection grade where ^{opportunities for} promotion ⁱⁿ towards service career were negligible, and as per Third Pay Commission's recommendations, Respondents No.2 issued Order dated 21.7.89 granting selection grade ^{to 93 persons} in the Cadre of Craft Instructor. However, on account of the pendency of the Writ Petition challenging ^{the} seniority list of Craftsman ~~Instructors~~ and the representations made by Craft

Instructor, the grant of selection grade was kept in abeyance vide letter dated 3.7.79. Meanwhile, the Tribunal in T.A.727/85(CW 1594/82), by its judgment dated 31.5.88 held as follows:

"33. In the facts and circumstances of the four petitions, we order and direct as follows:

(i) The integration of the cadres of Craft Instructors, Senior and Junior, into one common cadre of Craft Instructors and the impugned combined seniority list dated 9.2.77 are legal and valid. Accordingly, no weightage shall be given to any of the erstwhile Craft Instructors in the matter of fixation of seniority. We also do not see any justification for drawing up tradewise seniority lists.

(ii) The Craft Instructors who have been brought on the common cadre should be considered for the grant of selection grade on the basis of the principle of seniority subject to the rejection of unfit, in accordance with the letter of the Delhi Administration dated 17.12.79, within a period of three months from the date of this order.

(iii) The petitioners would be entitled to arrears of pay and allowances from the date of creation of the common cadre of Craft Instructors. It is, however, clarified that no recovery should be made from the pay of any of the petitioners and those similarly situated and that the pay and allowances over-drawn by them, if any, shall be protected and shall be treated as personal to them.

(iv) There will be no order as to costs.

3. The applicants allege that as per the directions in the said judgment, the respondents issued a tentative list of eligible candidates for selection grade w.e.f. 5.9.71 and 9.2.77 containing 113 names in all, against which the applicants represented, but without considering these representations, the impugned list of selection grade Craft Instructors dated 27.10.89 was issued, compelling the applicants to approach the Tribunal.

4. The first ground taken is that as per Third Pay Commission recommendations, only those candidates who had completed 3/4 of the span of the main scale

were entitled to selection grade, but there are several persons in the said list who have not completed even ten years' service. During hearing, Shri Bisaria, learned counsel for the applicants has furnished a list of 15 names of persons who he alleges, had not completed 14 years of service as Craft Instructors on the date of their being granted selection grade. This is denied by the respondents who point out that as per paragraph 5 of Finance Ministry's letter dated 10.1.77 introducing the selection grade, "for becoming eligible to be considered for appointment to the selection Grade, an employee should have rendered such length of service which would have brought him to the stage represented by 3/4th of the span of the revised scale of the Ordinary Grade inclusive of the service rendered in the pre-revised scale of that Grade subject to a minimum of 14 years of service. This will not, however, have the effect of deliberalisin the cri-teria which might be applicable in respect of selection grades already in vague."

It is clear from this paragraph that 14 years' service refers to the total length of service and from Shri Bisaria's own list, it is clear that all the 15 persons had more than 14 years service to their credit on 27.10.89 . Hence this ground fails.

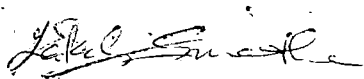
5. Secondly, it has been urged that the Third Pay Commission laid down matriculation as an essential qualification for selection grade but even non-matrices have been granted selection grade. This ground is baseless because the grant of selection grade is governed by Finance Ministry's letter dated 10.1.77 (Supra) which contains no such stipulation restricting selection grade to matriculates *alone*.

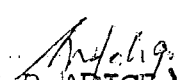
6. The third ground taken is that those who have been promoted as Supervisor Instructors

are not legally entitled to selection grade, as this amounts to conferring a double benefit. The respondents have pointed out that the promotion to the post of Supervisor Instructor was temporary, and does not operate any bar to the grant of selection grade to Craft Instructor. The applicants have not been able to furnish any materials to indicate that those temporarily appointed as Supervisor Instructors were debarred from getting selection grade to Craft Instructions. Hence this ground also fails.

7. The next ground taken is that there are anomalies in the grant of selection grade as some persons have been granted selection grade from the date of their initial appointment as Junior Instructors while others on being appointed as Senior Instructions. The respondents have correctly pointed out that the selection grade has been granted to those officials, whose names stand in the combined seniority list of Craft-Instructors issued by the Department on 9.2.77 which was declared by CAT as legal and valid, and hence the question of there being anomalies in grant of selection grade is wrong. Hence, this ground also fails.

8. It is clear from an analysis of the aforementioned grounds which were pressed during hearing, that none of them have any merit, and the impugned seniority list of Craft Instructors warrants no interference and this application, therefore, fails and it is dismissed. No costs.


(L.SWAMINATHAN)
MEMBER(J)


(S.R.ADIGE)
MEMBER(A)