

**Central Administrative Tribunal
Principal Bench, New Delhi**



**OA No.3218/2019
WITH
OA No.346/2020**

This the 17th day of February, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

OA No.3218/2019

Rajender Pershad Bhardwaj
Workshop Superintendent, Group 'A'
Aged about 60 years
S/o Late Sh. Gaini Ram Sharma
R/o House no.156-157, First Floor, Pocket 11B
Sector-23, Rohini, New Delhi-110085.
O/o Aryabhatt Institute of Technology
G.T. Karnal Road, Delhi-110033. ...Applicant

(through Mr. M.K. Bhardwaj, Advocate)

Versus

1. Govt. of NCT of Delhi
Through its Chief Secretary
I.P. Estate, New Secretariat, Players Building
New Delhi.
2. The Principal Secretary
Department of Training and Technical Education
Muni Maya Ram Marg
Pitampura, Delhi-110088.
3. The Director
Department of Training & Technical Education
Muni Maya Ram Marg
Pitampura, Delhi-110088.
4. The Principal



Aryabhatt Institute of Technology
G.T. Karnal Road, Delhi-110033.

5. All India Council for Technical Education
Through its Chairman
Govt. of India
Nelson Mandela Road
Vasant Kunj, New Delhi.Respondents

(through Mr. Manish Kumar, Mr. Amit Anand and Mr. Gyanendra Singh, Advocates)

OA No.346/2020

Mr. Joginder Singh Verma
(Workshop Superintendent)
S/o Sh. Jai Kishan Verma
R/o H.No. A-81, Raj Park
Sultan Puri, Delhi-86.
Group 'A', Aged 60 years
Presently/Lastly posted at
GND Institute of Technology
Rohini.Applicant

(through Mr. Sourabh Ahuja, Advocate)

Versus

1. Govt. of NCT of Delhi
Through its Chief Secretary
Delhi Sachivalaya, Players Building
I.P. Estate, New Delhi-2.
2. Principal Secretary/Secretary(TTE)
Department of Training and Technical Education
GNCT of Delhi, Muni Maya Ram Marg
Pitampura, Delhi-110088.
3. Lt. Governor, GNCT of Delhi
Raj Nivas, Shamnath Marg, New Delhi.
4. AICTE through its Member Secretary



Nelson Mandela Marg
Vasant Kunj, Delhi.

5. Advisor (RIFD)
AICTE, Nelson Mandela Marg
Vasant Kunj, Delhi.

6. Secretary
Ministry of Human Resource & Development
Union of India, Shastri Bhawan
New Delhi-01. ...Respondents

(through Mr. Manish Kumar, Mr. Amit Anand and Mr. Gyanendra Singh, Advocates)

ORDER (Oral)

Mr. Justice L. Narasimha Reddy:

The applicants were holding the post of Workshop Superintendent (WS) in the Department of Training and Technical Education, Govt. of NCT of Delhi. At the time of their induction into service, the age of superannuation was 60 years. Later on, the post was equated to that of Lecturer and corresponding benefit of extended age of retirement of 62 years was made applicable to them.

2. The All India Council for Technical Education (AICTE) framed new norms and regulations through Notification dated 05.03.2010 in the light of the recommendations of 6th Pay Commission. Under these regulations, superior qualifications



are prescribed for the post of Lecturer and incentives of Career Advancement Scheme are also provided. Even while protecting the interests of the Lecturers who were appointed earlier to 05.03.2010, the extension of new benefits was made subject to the existing Lecturers acquiring prescribed qualifications. The age of superannuation was also enhanced to 65 years. The applicants sought extension of benefit of age of superannuation of 65 years. The respondents however retired them on attaining the age of 62 years. This OA is filed with a prayer to continue them in service as WS till they attain the age of 65 years.

3. The applicants contend that once the post of WS was equated to that of Lecturers, there was absolutely no basis to deny the benefit of enhanced age of superannuation to them.

4. The respondents filed detailed counter reply opposing the OA. It is stated that the benefit of extending the age of superannuation is not automatic and it depends upon acquisition of the qualifications stipulated for the above post under the notification dated 05.03.2010.

5. We heard Sh. M.K. Bhardwaj and Sh. Sourabh Ahuja, learned counsel for the applicants and Sh. Manish Kumar, Sh.



Amit Anand and Sh. Gyanendra Singh, learned counsel for the respondents in respective OAs.

6. It is not in dispute that the benefit of enhanced age of superannuation of 62 years accrued to the applicants as the result of a policy framed by the AICTE. In the notification dated 05.03.2010, the AICTE stipulated fresh norms in the light of the recommendations of the 6th Pay Commission.

7. In OA No. 1861/2019, the issue as to whether the WS are entitled to remain in service till they attain the age of 65 years, was examined. After taking into account various aspects, we directed that the extension of the benefits shall be subject to the clarification to be issued by the AICTE in this behalf. On its part, the Delhi Government addressed a letter to the AICTE seeking clarification. In reply thereto, the AICTE addressed a letter dated 26.09.2019 and it reads as under:

“Please refer to your letter No.F.7/162/D I/DTTE/2019/Pt. File/1180-81 dated 24.09.2019 on the subject noted above.

The matter has been examined. In this connection, it is informed that the post of Workshop Superintendent has already been treated at par with Lecturer in accordance with 6th CPC AICTE Notification dated 05.03.2010. The Workshop Superintendent who have been recruited before 6th CPC Notification and have been treated at par with Lecturer vide AICTE Notification (6th CPC) dated 05.03.2010 will avail no relaxation in qualification



so as to avail parity with Lecturer. Accordingly, the post of Workshop Superintendent in diploma level institutions with _____(not legible) to be at par with Lecturers for the benefits applicable to Lecturers in the Notification dated 01.03.2019 provided he/she fulfils all the other eligibility conditions such as qualifications, experience, publication, training etc. required to be in service and for promotions.

8. From a perusal of the this, it is evident that though the letter is clear about the eligibility of the Lecturers to get benefits such as promotions and that it is based upon the qualifications, experience, publications, trainings etc., stipulated under the Rules, it is silent about the entitlement to remain in service till the age of 65 years. In other words, the letter did not deal with the question as to whether it is necessary for a WS to acquire the qualification stipulated through notification dated 05.03.2010, as a condition precedent, to remain in service up to the age of 65 years, or whether such qualifications are confined only to the one of promotion.

9. We, therefore, dispose of the OAs, directing the AICTE, respondent no. 5, to clarify within six weeks, as to whether it is essential for a WS to acquire the qualifications mentioned in the Notification dated 05.03.2010 to remain in service up to 65 years. Depending on the clarification that may come from the AICTE, the government of Delhi shall take necessary steps.



There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/vb/ns/akshaya/sd