



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

O.A. No. 886/2016

Today this the 18th day of November, 2020

Through video conferencing

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A. K. Bishnoi, Member (A)**

Anand Tembulkar
[Lecturer (Electrical Engineering)]
S/o Late Sh. P. D. Tembulkar,
R/o E-18, ITI Campus, Pusa,
New Delhi

Aged about 52 years

Presently posted at:-

Pusa Institute of Technology,
Pusa ...Applicant

(through Sh. 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
Department of Training & Technical Education,
GNCT of Delhi
Muni Maya Ram Marg,
Pitam Pura, Delhi-88
3. The Principal
Pusa Institute of Technology,
Department of Training & Technical Education,
GNCT of Delhi
Pusa Campus, Pusa Delhi



4. Director,
Department of Training & Technical Education,
GNCT of Delhi
Muni Maya Ram Marg,
Pitam Pura, Delhi-88

5. Deputy Director (E-1)
Department of Training & Technical Education,
GNCT of Delhi
Muni Maya Ram Marg,
Pitam Pura, Delhi-88

...Respondents

(through Sh. Amit Yadav, Advocate)



ORDER (ORAL)

Justice L.Narasimha Reddy, Chairman

The applicant responded to an advertisement issued on 31.03.1994 by the UPSC for selection and appointment of Lecturers in the Electronic Engineering in the Delhi Administration. The interviews were conducted on 26.05.1995 and the name of the applicant was recommended on 08.08.1985. A provisional offer of appointment was issued on 03.09.1995 and the applicant was subjected to medical check-up on 15.09.1995. It was only on 06.11.1995, that he was certified as medically fit. However some correspondence ensued and ultimate order of appointment was issued on 10.07.1996, and he joined duty on 30.08.1996. The applicant was also extended the benefit of senior time scale.

2. The AICTE issued rules on 30.12.1995 for extending the benefit of senior scale and selection grade. As regards the selection grade, it is mentioned that a Lecturer should hold Post Graduation, to become eligible to be extended the



benefit. At a later stage, it was clarified that for such of the Lecturers who are appointed prior to 01.01.1996 the Post Graduation qualification is not essential.

3. The applicant feels aggrieved in this behalf and filed this OA with a prayer to direct the respondents to grant selection grade without Master's Degree w.e.f. 30.08.2007. He contends that the requirement of the PG degree is only to those who are joined subsequent to 01.01.1996, and the delay in his joining the duties was on account of the factors not in his control. Various other grounds are also urged.

4. The respondents filed counter affidavit opposing the OA. It is stated that the stipulation by the AICTE is very clear and though the applicant has the requisite length of service, he did not possess the PG qualification and accordingly he is not eligible to be granted the benefit of senior grade. It is also stated that the respondents cannot be blamed for the delay in joining of the duty by the applicant.



5. We heard Sh. Sourabh Ahuja, learned counsel for the applicant and Sh. Amit Yadav, learned counsel for the respondents.

6. The relevant dates are furnished in the preceding paragraphs. The applicant joined the service as Lecturer in Electrical Engineering on 30.08.1996. The AICTE framed rules on 30.12.1999 and they came into force w.e.f. 01.01.1996. The stipulation for selection grade reads as under:

8.3 *Lecturer (Selection Grade)* :

Senior Lecturer / Lecturer (Senior Scale) who has a Master's degree and 5 years experience as senior Lecturer of Lecturer (Senior Scale) and has consistently satisfactory performance appraisal reports will be eligible to be placed as Lecturer (Selection Grade), subject to the recommendation of the Selection Committee.

6. The applicant has no doubt has five years of service as Lecturer (Senior Scale) by 30.08.2007. However, he did not possess the Post Graduation qualification. At a later point of time, it was clarified that if a Lecturer joins the duty before 01.01.1996, the PG qualification would not be insisted. The applicant is not entitled to that benefit, since he joined duty on 30.08.1996.



7. The selection grade is almost a kind of promotion and recognition of merit. It is not granted as a matter of course. The applicant who was appointed as Lecturer in 1996 and working right in Delhi did not choose to study the PG. He did not pay even fraction of interest improving the qualification, compared to the one which he paid for enhancement of his pay structure. One cannot encourage the persons who do not think of improving the educational qualifications even while in teaching profession. Though an attempt is made to blame the respondents, for his delay in joining the duty, we are not inclined to accept the contention. What becomes material is the date of joining and not the events that preceded it.

8. We do not find any merit in the OA and the same is dismissed accordingly. There shall be no order as to costs.

(A.K.Bishnoi)
Member (A)

(Justice L.Narasimha Reddy)
Chairman

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