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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No. OA 278/1987

Date of decision: 07.08.1992.

Smt. N. Sareen

...Applicant

Vs.

U.O.I. through the Lt. Governor,
Delhi and Another

...Respondents

For the Applicant

...Shri S.K. Shukla,
Counsel

For the Respondents

...Shri Ashok
Kashyap, Counsel

CORAM:

The Hon'ble Mr.P.K. Kartha, Vice Chairman(J)

The Hon'ble Mr.B.N. Dhoundiyal, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgment? *yes*
2. To be referred to the Reporters or not? *yes*

JUDGMENT

(of the Bench delivered by Hon'ble
Shri P.K. Kartha, Vice Chairman(J))

The applicant while working as Assistant Director of Education (Physical Education) in the Directorate of Education, Delhi Administration, filed this application under Section 19 of the Administrative Tribunals Act, 1985 praying for setting aside and quashing the impugned seniority list circulated by the respondents on 23.2.1987 and for directing them to prepare a fresh seniority list including

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the name of the applicant and assigning her the correct place therein in accordance with her date of joining the post. She has also prayed that the respondents be directed to give promotional and other consequential benefits to her in accordance with the correct place to be assigned to her in the fresh seniority list.

2. We have gone through the records of the case and have heard the learned counsel of both parties.

3. The applicant was appointed to the post of Assistant Director of Education on 20.12.1977 after she was selected by the UPSC pursuant to an advertisement issued in 1977.

The advertisement referred to the recruitment of one ~~as~~ Assistant Director of Education (Physical Education) in the Directorate of Education, Delhi Administration. It was stated that the post belongs to the General Central Service Group 'A' Gazetted. The qualifications prescribed for the post were Master's Degree in Physical Education from a recognised University or Degree of a recognised University with Degree or equivalent Diploma in Physical Education of a recognised University or equivalent and about 10 years experience of imparting training in Physical Education in educational institutions and Youth Welfare camps (with 3 years administrative experience). On 6.2.1981, the respondents published a seniority list of Assistant Directors of Education/Education Officers in the Directorate of Education,

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Delhi Administration, which consists of three parts -

Part 'A' deals with Assistant Directors of Education,

Part 'B' deals with Assistant Directors of Education

(Special Cadre) transferred from MCD and Part 'C' deals with Assistant Directors of Education (Physical Education).

In the said seniority list, the applicant figures at S.No.42.

4. Some Assistant Directors in the Directorate of Education, Delhi, filed applications in this Tribunal praying that the respondents be directed to prepare a seniority list of the cadre of Assistant Directors on the basis of their respective dates of appointments (OA Nos. 217-A and 494/86 - N.S. Verma and Others Vs. U.O.I. & Others). By judgment dated 29.1.1987, the Tribunal directed the respondents to draw up a seniority list of Assistant Directors/Education Officers strictly on the basis of the rulings of the Supreme Court discussed in the judgment and on the basis of length of officiation as Assistant Directors or equivalent posts during the period when quota-cum-rota system was not followed.

5. Pursuant to the judgment of the Tribunal mentioned above, the respondents issued the impugned seniority list dated 23.2.1987 in which the name of the applicant does not figure. The applicant has not stated that the Assistant Directors (Special Cadre) transferred from the

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MCD who figure in the earlier seniority list have been included in the seniority list issued in 1987.

6. The case of the respondents is that the applicant holds an ex-cadre post and that he/she does not belong to the main stream of the cadre of Assistant Directors of Education and, therefore, the seniority list issued in 1987 in implementation of the judgment of the Tribunal in N.S. Verma's case does not include her name. N.S. Verma & Others belonged to the organised cadre of Assistant Directors of Education whereas the applicant was holding only an ex-cadre post. The respondents have also relied upon the recruitment rules for the post of Assistant Director of Education, Education Officer and Educational Advisor in Delhi Police and the recruitment rules for the post of Assistant Director of Education (Physical Education). Apart from the fact that there are separate recruitment rules, the educational and other qualifications required for direct recruits are also different. In the case of Assistant Directors of Education, the essential qualifications prescribed are at least 2nd Class Master's Degree of a recognised University or equivalent, Degree/Diploma in teaching/education from a recognised University or Institute and about 10 years experience or teaching and/or educational administration (including at least 3 years in administrative capacity). In the case of Assistant Director of Education (Physical Education), the essential qualifications prescribed are Master's Degree in Physical Education from a

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recognised University or Degree of a recognised University or equivalent Diploma in Physical Education of a recognised University or equivalent, about 10 years experience of imparting training in Physical Education in Education Institutions and Youth Welfare camps (with three years of administrative experience).

7. It appears from a perusal of the recruitment rules that the post held by the applicant is governed by recruitment rules which are separate from the recruitment rules for the post of Assistant Director of Education. We are, therefore, of the opinion that the post of Assistant Director of Education and the post of Assistant Director (Physical Education) cannot be equated or treated as forming part of the same cadre. The learned counsel for the applicant submitted that the applicant has ^{no} promotional avenues. As against this, the learned counsel for the respondents stated that the respondents have created one post of Deputy Director (Physical Education) specially for the applicant, taking note of the lack of promotional avenues for her and that she has been promoted as Deputy Director (Physical Education) in 1988.

8. Our attention has been drawn to three different categories of Assistant Directors who are not borne on the

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same cadre. In our opinion, there should be reasonable prospects for career advancement for persons belonging to each of these categories by treating them as belonging to feeder cadres for the purpose of promotion to higher administrative posts. The respondents are directed to consider this aspect and make appropriate provisions in the rules expeditiously. The application is disposed of with the aforesaid observations.

There will be no order as to costs.

B.N. Dhoundiyal
(B.N. DHOUNDIYAL) 7/8/92
MEMBER (A)
07.08.1992

P.K. Kartha
7/8/92
(P.K. KARTHA)
VICE CHAIRMAN(J)
07.08.1992

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