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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn. No. OA 1263/1991 with
MP 2564/1991

Date of decision: 03.01.1992.

Association of Gazetted Officers
Technical Education and Another

...Applicants

Vs.

Lt. Governor of Delhi & Others

...Respondents

For the Applicants

...Shri M.M. Sudan,
Counsel

For the Respondents

...Shri M.K. Sharma,
Counsel

CORAM:

THE HON'BLE MR. P.K. KARTHA, VICE CHAIRMAN(J)

THE HON'BLE MR. B.N. DHOUDIYAL, 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? *No*

JUDGMENT:

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

The applicants who are working as Lecturers on
ad hoc basis in the various ^{Poly-} ~~technics~~ under the Directorate
of Training and Technical Education are aggrieved on the
ground that though the Union Public Service Commission had
recommended their regularisation in May, 1990, they have
not been so regularised.

(A)

2. The Government of India had appointed an Expert Committee in 1972 (known as the Madan Committee) to revise the staff structure of the Engineering/Polytechnic Institutions throughout the country. The said committee recommended that the lowest formation in the teaching faculty should be lecturer. These recommendations were accepted by the Government of India in 1987 which conveyed ~~the~~ sanction to the Lt. Governor, Delhi in July, 1988 regarding creation and simultaneous abolition and keeping in abeyance of certain posts. The applicants who were working as demonstrators/Junior Lecturers/Instructors etc. were appointed as Lecturers in various disciplines on ad hoc basis. On a reference made to the UPSC, their suitability was assessed and recommended appointment of 57 persons, including the applicants, on regular basis, vide their letter dated 25.5.1990. However, the respondents have not issued orders for their regular appointments in terms of those recommendations.

3. The respondents have stated in their counter-affidavit that they are considering the matter of regularisation of the applicants and that a decision will be taken soon. Since the matter of finance etc. is ✓

involved with the regularisation of the services, there has been delay.

4. We have gone through the records of the case and have heard the learned counsel of both parties. The applicants have been continuing on ad hoc basis for the last 3 years. The learned counsel for the respondents stated that each case will be considered separately. We are not impressed by this contention. Once the U.P.S.C. has recommended the regularisation of the applicants and those similarly situated, none else can review the said recommendation and consider the suitability of the persons by applying criteria which are not disclosed. Neither the Finance Department or any other department can assess the suitability of those recommended by the UPSC.

5. In view of the foregoing, the respondents are directed to take all necessary steps to implement the recommendation made by the UPSC and pass formal orders regarding the regular appointment of the applicants and those similarly situated including the applicant in MP 2564/91 (Dr. Usha Khurana) as lecturer. The applicants
over

would also be entitled to reckon their seniority from the dates of their ad hoc appointment and the said period will also count as qualifying service for the purpose of pension and other retirement benefits. The respondents shall implement the above directions within a period of three months from the date of communication of this order. The interim order passed on 27.8.1991 is hereby made absolute. MP 2564/91 is also allowed.

There will be no order as to costs.

B.N. Dhundiyal
(B.N. DHUNDIYAL) 31/1/92.
MEMBER (A)

anmol
3/1/92
(P.K. KARTHA)
VICE CHAIRMAN (J)