

Central Administrative Tribunal
Principal Bench, New Delhi

New Delhi the 13th day of July 1995. OA No.1810/91

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)
Hon'ble Mr R.K.Ahooja, Member (A)

Mrs Asha S.Kumar
R/o D-115, Saket
New Delhi - 100 017.

...Applicant.

(None for the applicant)

Versus

1. Delhi Administration through
Chief Secretary
Delhi.
2. Director of Technical Education
Delhi Administration
Rouse Avenue
New Delhi.
3. Union Public Service Commission
New Delhi. ...Respondents.

(Represented by Mrs Avnish Ahlawat, Advocate)

O R D E R (Oral)

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)

The grievance of the applicant who commenced service as Studio Assistant in the Department of Beauty Culture of the Women's Polytechnic, Directorate of Technical Education, Delhi since 10.9.1975 is that though she is a graduate and possessing certificate in Beautician and Hair Dressing, she is still continuing in the entry grade without being promoted as Assistant Lecturer and Lecturer while one of her students had later been appointed as Junior Lecturer. The applicant has alleged that after the Madan Committee's recommendations, the amended recruitment rules of 1988 did not recommend diploma and therefore, since she had all the essential qualifications as per the recruitment rules of 1984, she should have been appointed to the post of Lecturer w.e.f. 1.7.1987 when the vacancy arose. She has made elaborate averments in the application, touching upon several individuals, but as those questions are not relevant here and for the purpose of

(2)

this application, we do not consider it either essential or proper to reiterate all those allegations here. The prayer of the applicant is that the respondents may be directed to appoint her as Lecturer, Beauty Culture, retrospectively w.e.f. 1.7.1987 with consequential benefits and also to withdraw the notification dated 23.3.1991 inviting applications for the post of Lecturer in the Department of Beauty Culture of the Women's Polytechnic of Delhi Administration. The second prayer was incorporated because at the time the application was filed, the notification had been issued inviting applications for the post and apprehending that if vacancies then existed, she would not get the chance as Lecturer.

2. The detailed averments in the application have been controverted by the respondents in detail. However, the applicant has stated that pursuant to the interim order, the respondents have promoted her as Lecturer on ad-hoc basis w.e.f. 9.8.1990 vide order dated 14.10.1991.

3. Now when the application came up for hearing today, as neither the applicant nor her counsel is present, we did not have the privilege of hearing them. However, we have perused the pleadings in this case and also heard counsel for the respondents.

4. Counsel for the respondents produced a copy of the order dated 14.10.91 issued from the Directorate of Technical Education, Delhi Administration, appointing the applicant to the upgraded post of Lady Lecturer (Beautician) on ad-hoc basis in the pay scale of Rs.2200-4000 w.e.f.9.8.1990 providing that formal appointment order on regular basis will be issued only after the approval of UPSC. ~~hence~~ we have considered the case of the applicant for retrospective promotion w.e.f.1.7.1987, ^{and that} ~~she~~ should have been promoted on the basis of the recruitment rules prevalent at that time. The staffing pattern of the Polytechnic was restructured on the basis of the recommendations of the Madan Committee which recommended abolition of posts below lecturers and upgradation of posts as Lecturers, further recommending that those who did not possess the requisite qualifications in accordance with the

✓

recruitment rules framed should be given 8 years' time to clear the essential qualifications in order to appoint to the post of Lecturers. The vacancy which the applicant claims is the vacancy upgraded and the recommendations of the committee were a composite one for upgradation of the post as also for framing appropriate recruitment rules. Therefore, the existence of the vacancies cannot be treated in isolation from the upgradation and framing of the recruitment rules. Therefore the applicant cannot claim that she had to be appointed as Lecturer w.e.f. 1.7.87 as she did not possess the qualifications prescribed in the recruitment rules which was framed pursuant to the recommendations of the Madan Committee.

5. Under the circumstances, since the applicant has already been appointed on ad-hoc basis as Lady Lecturer w.e.f. 9.8.1990, we are of the considered view that it would be proper to dispose of this application with a direction to the respondents to finalise the process of her regular appointment to the post with effect from the due date, in case she has not yet been appointed so, within a period of 3 months from the date of receipt of communication of this order. The application is disposed of with the above direction.

No costs.



R.K. Ahooja -
(R.K. Ahooja)
Member (A)

(A.V. Haridasan)
Vice Chairman (J)

aa.