

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 3115 of 1992

23

New Delhi, dated this the 28th JULY 1999

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MR. P.C. KANNAN, MEMBER (J)

Ms. Nirmal Anand,
Craft Instructor,
Nari Niketan, Tihar,
New Delhi-110018.

(By Advocate: Smt. C.M. Chopra)

Versus

1. Union of India through
the Secretary,
Ministry of Home Affairs,
North Block, New Delhi.
2. Delhi Administration,
through the Chief Secretary,
Old Secretariat, Delhi.
3. The Director,
Dte. of Social Welfare,
Delhi Administration,
7, Lancers Road,
Timarpur,
Delhi.
4. The Director,
Nari Niketan, Tihar,
New Delhi-110018. ... Respondents

(By Advocate: Shri Ajesh Luthra proxy counsel
for Ms. Jyotsna Kaushik)

ORDER

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicant seeks a declaration that she is
entitled to the scale of Rs.1400-2600 w.e.f. the date
of her promotion as Craft Instructor, with arrears.

2. Admittedly applicant was appointed as a Craft
Teacher in Nari Niketan, in December, 1964. On 1.12.79
the management of Nari Niketan was taken over by Delhi
Administration and the terms and conditions on which the
Nari Niketan employees were absorbed in Delhi Administration

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was set out in Delhi Administration Notification dated 23.8.83 (Ann. A-2). Applicant accepted these terms and conditions and was absorbed as a Craft Teacher in the scale of Rs.330-560 (which was revised to Rs.1200-2040 consequent to the Fourth Pay Commission's recommendations from 1.1.86) with effect from 1.12.79.

3. In Paras 4(k) and 4(l) of respondents' replies it has been stated that Craft Teachers are promoted to Craft Instructors on the basis of seniority-cum-fitness, and Craft Instructors are themselves in three categories namely

- i) Craft Instructors Rs.330-560/1200-2040
- ii) Craft Instructors Rs.1400-2300
- iii) Craft Instructors Rs.440-750/1400-2600

These averments have not been denied by applicant in any rejoinder.

4. The Recruitment Rules for the post of Craft Instructors in Delhi Administration filed by applicant vide affidavit dated 20.4.99 shows that 18 posts of Craft Instructors (Rs.440-750) to be filled 25% promotion on non-selection basis failing which by direct recruitment and 75% by direct recruitment. Promotion in the 25% aforesaid quota is to be made from the post of Craft Instructor in the scale of Rs.330-560. Similarly, as per these Recruitment Rules, there are 5 posts of Craft Instructors (Rs.330-560) to be filled by direct recruitment. While the educational qualifications in case of Craft Instructors in the scale of Rs.440-750 and those in the scale of Rs.330-560 are the same, these Craft Instructors in the scale of Rs.440-750 are required to have more than two years

practical experience. From this it is clear that persons directly appointed as Craft Instructors in the scale of Rs.330-560 having completed two years of practical experience are eligible for promotion as Craft Instructors in scale of Rs.440-750. Similarly these Craft Instructors with prescribed educational qualifications and more than two years of practical experience are eligible for direct appointment as Craft Instructors.

5. Applicant who retired on superannuation relies on certain documents issued by respondents in which she is described as Craft Instructor. Respondents assert that the description of her in these documents as Craft Instructors is a typographical error and rely upon the entries in her Service Book, attested by her in which she is stated to be only a Craft Teacher, and applicant's own pension application in which she describes herself as a Craft Teacher. Respondents assert that applicant was never promoted as a Craft Teacher, and none of her counterparts have been promoted as Craft Inspectors since 1979 when the Nari Niketan Staff were taken over by Delhi Administration.

6. Applicant can claim fixation in the scale of Rs.1400-2600 (Rs.440-750)pre-revised) only if she can furnish a valid order promoting her from the lower scale of Rs.1200-2040 (Rs.330-560)pre-revised). No such order has been shown to us by her. Applicant has also not cited a single instance of any one junior to her who was granted pay fixation in the scale of Rs.1400-2600 (Rs.440-750 pre-revised) to claim hostile discrimination.

7. Under the circumstances we are unable to grant the declaration prayed for by applicant. The O.A. is dismissed. No costs.

P. C. Kannan
(P.C. KANNAN)
MEMBER (J)

S. R. Adige
(S.R. ADIGE)
VICE CHAIRMAN (A)

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