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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No. OA-35/92

Date of decision: 27.11.1992

Ms. Sumati Sud

.... Applicant

Versus

Union of India & Ors.

.... Respondents

For the Applicant

.... Shri M.G. Kapoor, Advocate

For the Respondents

.... Shri Ajay Kumar, Advocate

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, who is presently working as Junior Lecturer (Secretarial Practice) in the Women's Polytechnic, Maharani Bagh, filed this application under Section 19 of the Administrative Tribunals Act, 1985 praying for the following reliefs:-

- (i) to direct the respondents to appoint her to the upgraded post of Lecturer (Secretarial

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Practice) w.e.f. the earliest date on which any of the Junior Lecturers in Women's Polytechnic has been so appointed to the upgraded post of Lecturer in any of the disciplines in pursuance of the acceptance by the Government of India of the recommendations of the Madan Committee;

- (ii) to direct the respondents to waive, if so required, or relax the educational requirement of Master's Degree in Commerce with Secretarial Practice as a subject in the case of the applicant, if that comes in her way to be appointed in the upgraded post of Lecturer (Secretarial Practice) and after so relaxing or waiving the educational qualification (in so far as it says 'Secretarial Practice' as a subject), further direct the respondents to appoint the applicant in the upgraded post of Lecturer in terms of the prayer made in (i) above;
- (iii) to direct the respondents to allow the applicant all the consequential benefits like seniority, pension, pay, etc., after she is appointed to the upgraded post of Lecturer (Secretarial Practice) retrospectively from the date she is so appointed; and

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(iv) in the ~~alternative~~, direct the respondents to appoint the applicant to the post of Lecturer (Stenography) u.s.f. the date any of the Junior Lecturers in the Women's Polytechnic has been so appointed to the upgraded post of Lecturer in any of the disciplines in pursuance of the acceptance by the Government of India of the recommendations of the Madan Committee, with all consequential benefits of pay, pension and seniority, etc., retrospective from the date of such appointment.

2. We have gone through the records of the case and have heard the learned counsel for both the parties. The applicant was appointed as Instructor (Stenography) in 1975 on regular basis in Women's Polytechnic, Maharani Bagh, New Delhi. In May, 1975, an Expert Committee under the Chairmanship of Dr. S.P. Luthra, Chairman, Board of Technical Education, Delhi was constituted by the Central Government to go into the aspect of staffing pattern in Women's Polytechnic, Delhi and give its recommendations with regard to the revision of the staffing pattern. The Committee reviewed the staffing pattern in the said Polytechnic and gave its recommendations to the Government

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of India. The Government of India gave its acceptance of the said recommendations by their letter dated 4.6.1977. Accordingly, all the existing posts of Instructor in the scale of Rs.550-900 allocated for professional subjects, shall be upgraded to and redesignated as the post of Junior Lecturer in the scale of Rs.650-960. The existing incumbents in the posts of Instructor shall be fitted into the posts of Junior Lecturer, provided they possess qualifications prescribed for the post of Junior Lecturer in the General Polytechnics under the Directorate of Technical Education, Delhi.

3. Accordingly, the applicant was upgraded as Junior Lecturer by the D.P.C. w.e.f. 4.6.1977.

4. Another Expert Committee known as 'Madan Committee' headed by Professor P.J. Madan, Pro-Vice-Chancellor, M.S. University, Baroda, was constituted to further review the staffing structure in Engineering institutions. The Government of India accepted the recommendations of the said Committee by letters dated 25.9.1987 and 10.11.1988. It was decided that the lowest formation in the teaching faculty should be Lecturers, both in Engineering Colleges and in the Polytechnics.

5. The applicant has stated that in terms of the aforesaid decision, all Junior Lecturers were to be



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fitted into the upgraded post of Lecturer in the General Polytechnic. However, the applicant was not given the said benefit. The respondents have stated that those Junior Lecturers who fulfilled the requisite qualifications and experience as laid down in the recruitment rules, were upgraded to the post of Lecturer under the provisions of Madan Committee. The applicant could not be considered for upgradation in accordance with the provisions of the recruitment rules.

6. The ground on which the respondents have not fitted the applicant into the upgraded post of Lecturer (Secretarial Practice) is that she does not possess the requisite qualifications, namely, M. Com. with Secretarial Practice as a subject. The qualifications prescribed under the recruitment rules are the following:-

- i) Master's degree in Business Management/ Business Administration/Commerce (with Secretarial Practice as a subject) of a recognised University or equivalent.
- ii) One year's professional and/or teaching experience in Secretarial Practice.

The qualifications are relaxable at the discretion of the U.P.S.C. in case of candidates otherwise well qualified.

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7. The applicant possesses Master's Degree in Commerce. She has also the requisite professional and/or teaching experience in Secretarial Practice. She has been teaching in the same Institute for over 14 years as Junior Lecturer (Secretarial Practice). Insofar as Master's Degree in Commerce with Secretarial Practice as a subject is concerned, she has submitted that there is no Indian University which confers Master's Degree in Commerce with Secretarial Practice as a subject. She has argued that the said subject is limited in scope and at M.Com. level it is not taken up by any University in India. Thorough knowledge of the said subject is imparted only at B.Com. level. The applicant has done B. Com.

8. The respondents have not controverted the version of the applicant that there is no Indian University which offers Master's Degree in Commerce with Secretarial Practice as a subject.

9. The applicant has stated that when the U.P.S.C. advertised for the post of a Lady Lecturer (Secretarial Practice) in 1989, laying down the aforesaid qualifications, no candidate was made available to fill up the post and it remains unfilled till date. Respondents have stated in their counter-affidavit that the U.P.S.C. has advised them to amend the recruitment rules suitably, so as to delete the requirement of Secretarial Practice as a subject

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in M. Com. Degree.

10. The applicant's grievance is that the respondents had made exceptions in the case of two of her colleagues who have been impleaded as respondent Nos.8 and 9. Both of them have been appointed in the upgraded post of Lady Lecturer (Secretarial Practice) in the same Women's Polytechnic on regular basis by order dated 2.6.1986. Neither of them possesses the educational qualifications prescribed in the recruitment rules for the post of Lady Lecturer (Secretarial Practice). In the case of respondent No.9, she does not even possess a B.Com. Degree where Secretarial Practice as a subject is taught in great detail. She has also been promoted as the Head of the Department. As regards respondent No.8, the applicant has alleged, that her initial appointment as Assistant Lecturer was illegal inasmuch as she had been appointed as Assistant Lecturer on 3.2.1978, when the said post of Assistant Lecturer was not even existing, having been abolished on and w.e.f. 4.6.1977.

11. The version of the respondents is that respondent Nos.8 and 9 were upgraded from the post of Assistant Lecturer, whereas the applicant was promoted as Junior Lecturer from Instructor. Thus, according to them, no similarity exists between their cases. They have further

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stated that the promotion of respondents 8 and 9 was regularised by the U.P.S.C.

12. The respondents have stated that the U.P.S.C. has the power to grant relaxation and respondent Nos. 8 and 9 were regularised in the upgraded posts of Lecturer by exercising its power to grant relaxation. In our opinion, there is no reason why the applicant should be singled out for a different treatment. The fact that she was promoted from the post of Instructor to that of Junior Lecturer pursuant to the Luthra Committee's Report, would not disentitle her from being considered for appointment to the upgraded post of Lady Lecturer (Secretarial Practice) pursuant to the Madan Committee's Report. The U.P.S.C. has also expressed the view that the qualifications prescribed in the recruitment rules require revision. The respondents have stated in their counter-affidavit that the case of revision of the recruitment rules has been taken up by them and that the same is pending with the U.P.S.C.

13. In the conspectus of the facts and circumstances of the case, we are of the opinion that the respondents should take up with the U.P.S.C. the case of the applicant for appointment to the upgraded post of Lady Lecturer (Secretarial Practice) as in the case of respondents 8 and 9.

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We further hold that the applicant would also be entitled to the same relaxation in the matter of qualification to the same extent as was done in the case of respondent Nos. 8 and 9.

14. The application is disposed of on the above lines. The respondents shall comply with the above directions expeditiously and preferably within a period of four months from the date of receipt of this order. There will be no order as to costs.

B. N. Dhoondiyal
(B.N. Dhoondiyal) 27/11/92
Administrative Member

P. K. Kartha
27/11/92
(P.K. Kartha)
Vice-Chairman (Judl.)