

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No. 3333/92

New Delhi, this the 31st day of August, 1998

HON'BLE SHRI T.N. BHAT, MEMBER (J)
HON'BLE SHRI S.P. BISWAS, MEMBER (A)

In the matter of:

Mohinder Singh Choudhury,
Physical Training Instructor,
Delhi College of Art,
20-22, Tilak Marg,
New Delhi.

...Applicant

(By Advocate: Mrs. Avnish Ahlawat)

Vs.

Union of India through

1. Secretary,
Ministry of Human Resources Development,
Department of Education,
Shastri Bhawan,
New Delhi.
2. Lt. Governor, Delhi through
Secretary,
(Technical Education),
Delhi Administration,
Delhi.
3. The Principal,
College of Art,
20-22, Tilak Marg,
New Delhi.

... Respondents

(By Advocate: Shri Amresh Mathur)

O R D E R (ORAL)

Hon'ble Shri T.N. Bhat, Member (J)

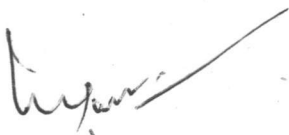
We have heard Mrs. Avnish Ahlawat, counsel for
the applicant and Mr. Amresh Mathur, counsel for the
respondents. We have also perused the material on record.

W. N. Bhat
31.8.98

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2. The applicant, who is working as Physical Training Instructor (P.T.I.) in the College of Art, New Delhi has come to the Tribunal seeking parity of pay scale with similarly situated P.T.I./ Physical Directors/ Directors of Physical Education working in the other Colleges of Delhi University. The post of P.T.I. is an ex-cadre post meant exclusively for the College of Art, New Delhi but it is contended by the applicant that for all practical purposes the post is equivalent to the post of Director of Physical Education, Maulana Azad College; and the Physical Director working in other colleges of the Delhi University. He further claims to hold the post equivalent to the post of Physical Instructor working in the Lady Harding Medical College under the University of Delhi.

3. It appears that the applicant has all along been making representations seeking parity with the other similarly placed P.T.Is/Directors Physical Education working in the other colleges and at one time, in the year 1985, the respondents had accepted the plea of the applicant and had recommended the parity in the pay scales claimed by the applicant. In this regard we may mention that in reply to the averments made in para 4.12 of the O.A. the respondents have admitted in their counter that the Deputy Secretary, Technical Education, Delhi Administration had vide his letter to the Govt. of India recommended that the P.T.I. posted in the College of Art be given at least the minimum of the pay scale given to the Physical Director appointed in the Maulana Azad College, New Delhi.



4. We further notice that the applicant has given a comparative chart as at Annexure-I to the O.A. giving the requisite qualifications for the posts of Director of Physical Education as also Physical Education Instructors working in the Delhi University and the Colleges affiliated thereto. The minimum qualification prescribed for both the posts is Post Graduation diploma or certificate or degree in physical education and the scale of pay in the other institutions/colleges for these posts is Rs. 700-1600/- (un-revised) while the applicant has been placed in the pay scale of Rs. 425-640 only. This is so from the very inception i.e. with effect from 7.6.76 when the applicant was appointed vide Annexure A to the O.A.

5. The applicant's claim finds further support from the Govt. of India, Ministry of Human Resource Development (Department of Education) letter/Scheme dated 28.02.1989, as at Annexure-D to the O.A. Under the heading 'Coverage' in the Appendix to the letter ibid it has been stated that all teachers/librarians/physical education instructors appointed after the date from which the Scheme has been given effect to will be governed by the provisions of the Scheme. According to the provisions of the aforesaid Scheme the revised pay scales would be effective from January 1, 1986. Under that Scheme the pay scale of Rs. 700-1600 existing before the Scheme was later on revised to Rs. 2200-4000/- though the nomenclature and designation of the post was given as Director of Physical Education. We, however, find ourselves in agreement with the learned counsel for the applicant that the post held by the applicant as Physical

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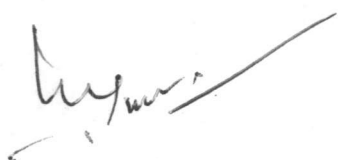
Education Instructor/ Director is for all practical purposes the same as Director of Physical Education or Physical Education Director. This also becomes further evident on a perusal of Annexure - B to the O.A. The subject of that letter is "Upgradation in salary scales of Librarians, Directors/ Instructors of Physical Education and Documentation Officers in Universities and Colleges". In Annexure-I to this letter the designation mentioned is Director/ Instructor of Physical Education (University/ Colleges) (RS. 700-1600/-).

6. Learned counsel for the applicant also draws our attention towards the copy of the judgement delivered by this Bench of the Tribunal in R.C. Mittal vs. Union of India & Ors. dated 10.09.1987, as at Annexure-E to the O.A., as also the copy of another judgement of this Tribunal in Mrs. J. Morrison vs. Union of India dated 5.1.1988. In the first judgement referred to above, the person working as Physical Director in the Maulana Azad College in the pre revised pay scale of Rs. 200-500 had come to the Tribunal claiming the pay scale of Rs. 700-1600 (later revised to Rs. 2200-4000 as already indicated above). The Tribunal allowed his claim and held that somehow revision of pay scale of Physical Directors had escaped the notice of the IInd Pay Commission and also that the Physical Director working in the Maulana Azad College should be given the same pay scale as was given to the Physical Directors working in other institutions under the University of Delhi.



7. In the latter judgement (Mrs. J. Morrison's case) the applicant was working as Physical Instructor in the Lady Harding Medical College. She claimed parity of pay scales with the other Physical Instructors/ Physical Directors working in the Colleges under the University of Delhi. The claim of the applicant in that O.A. that the post of Physical Instructor was the same as Director of Physical Education irrespective of the designation was upheld by the Tribunal which held that the Physical Instructor working in Lady Harding Medical College should also be given the same scale of pay as was being given to Director of Physical Education/ Physical Education Directors/ Instructors working in the other institutions under the Delhi Administration or the Central Government.


8. For the aforesaid reasons we are convinced that the applicant is entitled to the same pay scale as has been given from time to time to Physical Directors/ Directors of Physical Education in the other colleges in Delhi Administration. According to the applicant she would be entitled to the pay scale of Rs. 700-1600 w.e.f. 1.4.1980 and Rs. 2200-4000 w.e.f. 1.1.1986 and also to subsequent revision of pay scales in pursuance to the recommendation of Fifth Pay Commission as and when made applicable to the staff working in the colleges. We find no grounds to refuse this prayer of the applicant. We would, however, restrict the arrears to only one year prior to the date of filing of the O.A.




9. In the event, this O.A. is allowed and respondents are directed to fix the pay of the applicant in the pay scale of Rs. 700-1600 w.e.f. 1.1.1980 and in the pay scale of Rs. 2200-4000 w.e.f. 1.4.1986. This shall be done notionally and his present pay shall be fixed accordingly and the arrears payable on the said notional pay fixation shall be paid to the applicant from a date one year prior to filing of this O.A. which is 17th December, 1992. In other words the arrears shall be paid from 17.12.1991. We further direct that this judgement shall be implemented within a period of four months from the date of receipt of a copy of this order.

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10. The O.A. is disposed of in terms of the above order, leaving the parties to bear their own costs.


(S.P. BISWAS)
Member (A)

 31.8.98
(T.N. BHAT)
Member (J)

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