

Central Administrative Tribunal
Principal Bench

O.A. 804/93

New Delhi this the 8 th day of January, 1999

Hon'ble Smt. Lakshmi Swaminathan, Member (J).
Hon'ble Shri N. Sahu, Member (A).

1. Inderjit Singh,
S/o Shri Kartar Singh,
R/o 4/50, Ramesh Nagar,
New Delhi-50.
2. M.L. Salwan,
S/o Ram Prakash,
R/o Qr. No. 30, Womens Polytechnic Campus,
New Delhi-65.
3. Shri Sunil Kumar Aggarwal,
S/o late Shri Triveni Parshad Aggarwal,
R/o Qr. No. 16, G.B. Pant Poly
Technic Campus, Okhla,
New Delhi-20. ... Applicants.

By Advocate Shri M.M. Sundan.

Versus

1. Lt. Governor,
Govt. of National Capital
Territory of Delhi, Raj Niwas,
Delhi.
2. Director-cum-Secretary,
Directorate of Training and
Technical Education,
Deen Dayal Upadhyay Marg,
New Delhi-2. ... Respondents.

By Advocate Shri Surat Singh.

ORDER

Hon'ble Smt. Lakshmi Swaminathan, Member (J).

The applicants are aggrieved by the rejection of their claim by the respondents to give them the benefit of higher pay scale as Investigators vide letter dated 19.8.1992. They have filed this O.A. to quash this letter for a declaration that they are covered by the recommendations of the Madan Committee and for a direction to the respondents to appoint them in the upgraded posts of Lecturers from the date the other employees were appointed.

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2A

2. The brief facts of the case are that the applicants have been appointed as Investigators in the office of Respondent 2 i.e. the Directorate of Training and Technical Education on various dates, namely, applicant 1 on 8.4.1974, applicant 2 on 30.11.1979 and applicant 3 on 21.12.1987. All of them have stated that they are working in the pay scale of Rs.1640-2900. They have submitted that they were all sponsored to undergo Diploma in Technical Teaching in Mechanical Engineering and Electrical Engineering from January, 1990 to June, 1991. The Government had constituted a committee under the Chairmanship of Professor P.J. Madan (hereinafter referred to as "Madan Committee") which submitted its recommendations regarding restructuring of staff in Engineering/Polytechnic institutions in its report dated 21.10.1978.

3. The applicants have referred to one of the recommendations of the Madan Committee which reads as follows:

"It should be possible during this interim period to make necessary arrangements to absorb the existing teachers below the level of lecturers. Some of them who already fulfilled the minimum qualification for the post of a lecturer could be adjusted against the new post of lecturers created by the implementation of this recommendation while those who do not fulfill these qualification could be given adequate opportunities to improve their qualifications..."

They have submitted that the Government while accepting the recommendations of the Madan Committee in its letter dated 25.9.1997 directed that the existing staff which will be declared



surplus by virtue of the implementation of the Madan Committee recommendations may be absorbed in the revised structure provided they fulfil the necessary prescribed qualifications in the post. It was further provided that where the existing staff who do not have the requisite qualification for appointment in the particular grade should be given an opportunity to improve their qualification within a period of 8 years. According to them, Respondent 1 has sanctioned creation of 87 posts of Lecturers and have abolished certain posts or kept them in abeyance. They have stated that the Government vide its order dated 10.11.1988 have conveyed the approval of the Government of India to the proposal of Delhi Administration to abolish, to keep in abeyance the posts in the categories of Senior Technical Assistants, Draftsman, Professional Assistant and Investigators. Shri M.M. Sudan, learned counsel for the applicants, has drawn our attention to Para.2 of the letter in which it has been stated that the incumbents may be considered for appointment as Lecturers provided they fulfil the prescribed qualifications for the post. In the above circumstances, the applicants have submitted that although they have been making several representations to the respondents to grant them the same scales of pay and benefits as granted to the other employees, but they have failed to do so.

4. We have seen the reply filed by the respondents and heard Shri Surat Singh, learned counsel. The main contention of the respondents is that since the post of Investigator is a non-teaching post, the upgradation of the incumbents holding these posts could not be taken up as part of the implementation of the Madan Committee's recommendations. They have also submitted that the recommendations of this Committee which have been accepted by the Government, deal with teaching posts, the lowest of which is that of Lecturer. According to them, all the posts in the teaching

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cadre lower to that of a Lecturer will stand abolished in due course of time. They have submitted that the posts of Investigators belong to the Training and Placement wing and their nature of work is different from teaching and hence it was not considered proper to bring them within the purview of the Madan Committee.

5. The applicants have filed M.A. 1405/98 to bring on record certain additional documents to which the respondents have also filed their reply. In the M.A. the applicants have referred to a letter from the Government of India dated 16.5.1997 to which the respondents have stated that a final decision has been left to Delhi Government to consider whether Investigators should be included within the purview of the Madan Committee's recommendations. They have also stated that the documents submitted by the Investigators to show that they had been assigned teaching work have been forwarded by the Government of India to them. Unfortunately, none of these documents has been annexed to the Miscellaneous Application. However, we find that the respondents have submitted that some of the Investigators have acquired Engineering Degrees and the Principals, sometimes take them for help as a standby arrangement. From the above facts, it is noted that the applicants have submitted that they have the necessary qualifications, including Diploma in Technical Teacher Training. It is also noted that even though the respondents have submitted that the applicants do not belong to the teaching staff and are, therefore, outside the purview of the Madan Committee's recommendations, hence their posts could not be considered for upgradation, in the reply to the Miscellaneous Application they have ~~also~~ submitted that the Government of India has now placed the onus on them to take a final decision in the matter by their letter dated 16.5.1997. They have also stated that the documents

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are under verification. However, when this case was heard, the learned counsel for the respondents had submitted that he was unable to contact the respondents to apprise us of the latest position or decision, if any, which has been taken in the matter.

6. In view of the above, the O.A. is disposed of with the following directions:

If a decision in the matter of upgradation/appointment of Investigators to the posts of Lecturers has already been taken, the same may be conveyed to the applicants within 2 weeks from the date of receipt of a copy of this order. On the other hand, if the respondents have not taken a final decision on the matter, they shall do so within two months from the date of receipt of a copy of this order after giving the applicants a personal hearing and pass a detailed and speaking order in case their claims are rejected for upgradation and appointment as Lecturers. No costs.



(N. Sahu)
M(A)

'SRD'



(Smt. Lakshmi Swaminathan)
M(J)