



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

O.A. No. 4427/2017

This the 16th Day of July, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A.K. Bishnoi, Member (A)**

1. Sh. S R Suman (Aged about 65 years)
(Retired as Librarian)
S/o Late Sh. NatthiLal
R/o 211, Pocket- 3, Janta Flats,
Paschim Puri, New Delhi- 110063
2. Sh K R Mann (Aged about 68 years)
(Retired as Librarian)
S/o Late Jagi Ram Mann,
R/o Village & PO NayaBaans,
Delhi – 110082
3. Smt SP Nasa (Aged about 74 years)
(Retired as Librarian)
W/o Sh S.L Nasa,
R/o S-360, Double Storey,
First Floor, New Rajender Nagar,
New Delhi – 110060
4. Sh S S Gautam (Aged about 73 years)
(Retired as Librarian)
S/o Late B N Sharma
R/o A-24, Biswa Apartments, Sector-9
Rohini, Delhi
5. Sh Sheo Raj Singh (Aged about 65 years)
(Retired as Librarian)
S/o Late Sh. Hari Singh,
R/o M-307, 3rd Floor,
Anand Dham Apartments,
Opposite Tulsi Niketan, Hopra,
Ghaziabad - 110060 (U P)

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6. Sh Om Prakash Jatav (Aged about 62 years)
(Retired as Librarian)
S/o Late Sh Naubat Singh
R/o D-3/66, 2nd Floor, Sector-16,
Near District Park, Rohini
Delhi - 110089
7. Mrs Usha Johar (Aged about 65 years)
(Retired as Librarian)
W/o Sh S K Johar
R/o B-477, Meera Bagh,
Paschim Vihar,
New Delhi- 110063

... Applicants

(By Advocate : Shri Atul Nagarajan)

Versus

1. Government of NCT of Delhi
Through its Chief Secretary, Delhi Secretariat,
Players Building, IP Estate, New Delhi
2. Directorate of Training and Technical Education (DTTE)
Through its Secretary,
Department of Training and Technical Education
Government of Nct of Delhi,
Muni Maya Ram Marg, Pitampura, Delhi

... Respondents

(By Advocate : Shri H.D. Sharma)



O R D E R (ORAL)

Justice L. Narasimha Reddy, Chairman :

This OA has quite a lengthy background. In the Directorate of Training and Technical Education, there are several posts, both of teaching and non-teaching. In addition to the regular teachers, there are also Librarians and Physical Training Instructors (PTIs). By and large, the service conditions of the teachers in the Technical Institutions are guided by the instructions issued by the All India Council for Technical Education (AICTE), from time to time.

2. The Librarians and PTIs of the Directorate approached this Tribunal by filing an OA, claiming parity of their pay scale with those of the Teachers, in all respects. The OAs were dismissed. The Writ Petitions, being WP (C) No. 10640/2009 and batch were filed before the Hon'ble High Court of Delhi. A Division Bench of the Hon'ble High Court rendered its judgment on 06.08.2010 setting aside the order in the OA and granting the relief by issuing certain directions to the AICTE as well as the Delhi Administration. Complaining that the directions were not implemented, the petitioners therein filed contempt case No.



533/2012. That was closed by taking note of certain developments. Thereafter, another contempt case being 24/15 was filed and that also was closed on 03.07.2015. One of the applicants herein, is stated to be the party in the said Writ Petition and other proceedings.

3. OA No. 3088/2015 and two other OAs were filed claiming almost similar benefits. The OAs were allowed through common order dated 19.01.2016. Alleging that the order was not complied with, contempt case no. 231/2016 was filed. An arrest warrant was issued on 23.12.2016. The matter was taken to the Hon'ble High Court of Delhi and there, certain undertaking was given by the respondents. It is stated that the applicants therein were extended the benefit of the pay scale.

4. The applicants herein are working as Librarians in the Directorate. They too, were extended the benefit of pay scale of the Teachers. In the context of extending the benefit of senior scale, their cases were put before the Screening Committee. The cases of 16 Librarians and 5 PTIs were considered by the Committee and it did not recommend any one of them, for extension of the benefit of senior scale. Consequential order was passed on

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16.10.2017. This OA is filed challenging the order dated 16.10.2017 and for a direction to the respondents to extend them, the benefit of pay scale on par with that of the Teachers, in all respects, and on par with the petitioners in WP No. 46/2017 and batch. Consequential benefits are also claimed.

5. The applicants contend that once they were treated on par with the Teachers and some of the Librarians and PTIs were extended the benefit of senior scale, without any selection process, there was absolutely no basis for the respondents in subjecting them to selection, much less denying the benefit by treating them as unfit. It is stated that as a result of prolonged litigation, the parity came to be extended but substantial part thereof, was denied to the applicants without any reason.

6. On behalf of the respondents, a detailed counter affidavit is filed. It is stated that the applicants were treated on par with Teachers in all respects and even for Teachers, the senior scale is extended on being cleared by the Screening Committee. According to them, the Screening Committee assigned reasons in respect of the applicants as



well as other Librarians and PTIS and no illegality has taken place in the entire process.

7. Today we heard Sh. Atul Nagrajan, learned counsel for the applicants and Sh. H.D. Sharma, learned counsel for the respondents.

8. The claim of parity of pay scale and other benefits, made by the Librarians and PTIs on par with Teachers is not uncommon in the educational institutions. This is a phenomenon existing across the Universities, Government Establishments, etc. Since the service conditions of the Teachers in the technical educational institutions are guided by the instructions issued by the AICTE, there existed some ambiguity in respect of the Librarians and PTIs working in the Directorate of Training and Technical Education. OAs filed in that behalf were not successful. In the Writ Petition No. 10640/2009, a Division Bench of the Hon'ble High Court of Delhi allowed them with the following directions:

“36. The impugned orders passed by the Tribunal which are the subject matter of challenge in all the writ petitions are quashed.

37. Since Government of NCT Delhi is permitted to implement pay scales for the post of librarian and physical education persons in technical institutions in Delhi



other than those recommended by AICTE, but subject to the approval of AICTE, which has not been done we issue a direction requiring AICTE to decide specifically the issue of educational qualifications required by the librarians and physical education persons in technical institutes in Delhi and in what scale of pay they must be put. A specific approval shall be granted by AICTE in clear language for the reason its notification dated 30.12.1999, vide para 2.3 thereof casts an obligation on AICTE to consider for approval the pay scales to be applied if the State Government seeks not to implement the scales of pay recommended by AICTE and this must of necessity require AICTE to pass a specific order.”

9. A perusal of the same discloses that it was not a relief which was granted straightway or unconditionally. The actual relief would depend upon several steps to be taken by the AICTE and by the Government. Obviously for that reason, the contempt cases filed in relation to that, also did not yield any tangible results. Some of the Librarians and PTIs filed OA No. 3088/2015 and two others, before this Tribunal. Extensive discussion was undertaken and the OAs were allowed, in a way granting relief far exceeding the one that was granted in the Writ Petition. What made the things a bit serious was that in the contempt case filed by the applicants therein, arrest warrant was issued. Obviously under panic, the officials of the respondents



therein, approached the Hon'ble High Court so much so they gave an undertaking not to challenge the order in the OA. Be that as it may, the benefit was extended to those persons. Without waiting further, the respondents have brought parity of pay scales of all the Librarians and PTIs on par with those of Teachers. The issue in this OA is about the senior scale.

10. The senior scale is part of the Career Advancement Scheme (CAS). On completion of stipulated length of service, a Teacher becomes eligible to be considered for senior scale on being found suitable, by the Screening Committee. A selection process is involved and mere completion of length of service is not sufficient.

11. The impugned order dated 16.10.2017 discloses that cases of quite large number of Librarians and PTIs were considered and none of them were found fit for the benefit. In the counter affidavit, the reasons on account of which the applicants herein were not found fit for the senior time scale are mentioned. They read as under :

“

Name	Reason for Non recommendation
S.R. Suman	Not completed 8 weeks orientation course/Induction training <i>and one refresher course or industrial</i>

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	<i>training, which is the mandatory condition for grant of senior scale as per AICTE guidelines/clarification.</i>
K.R. Mann	Do
S.P. Nasa	Not completed 8 weeks orientation course/Induction training and one refresher course or industrial training, which is the mandatory condition for grant of senior scale as per AICTE guidelines/clarification.
	In addition she is only passed in B. Libs and do not have second division.
S.S. Gautam	Not completed 8 weeks orientation course/Induction training and one refresher course or industrial training, which is the mandatory condition for grant of senior scale as per AICTE guidelines/clarification.
Sheo Raj Singh	do
Om Prakash Jatav	do
Usha Johar	Do

12. Once the Screening Committee took the view and assigned reasons for not recommending the case of the applicants, no exception can be taken to it.

13. It is argued that some of the Librarians and PTIs were extended the benefit without subjecting them to selection process. Even if that is true, the applicants cannot avoid or bypass the process of selection which is

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part of the Scheme itself. There cannot be precedents for committing wrongs.

14. We do not find any merit in the OA and the same is accordingly dismissed.

There shall be no order as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/rk/ns/akshaya/