

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO.: 975 of 1999.

Dated this Thursday, the 1st day of April, 2004.

Shri M. V. Prabhakar,

Applicant.

Shri S. P. Saxena,

Advocate for
Applicant.

VERSUS

Union of India & Others,

Respondents.

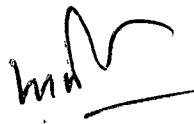
Shri R. K. Shetty,

Advocate for
Respondents.

CORAM : Hon'ble Shri Anand Kumar Bhatt, Member (A).

Hon'ble Shri S. G. Deshmukh, Member (J).

- (i) To be referred to the Reporter or not ?
- (ii) Whether it needs to be circulated to other Benches of the Tribunal ?
- (iii) Library.


(S. G. DESHMUKH)
MEMBER (J).

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CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO.: 975 of 1999.

Dated this Thursday the 16 day of April, 2004.

CORAM : Hon'ble Shri Anand Kumar Bhatt, Member (A).

Hon'ble Shri S. G. Deshmukh, Member (J).

M. V. Prabhakar,
Lecturer in Maths,
College of Military Engg.,
Dapodi, Pune - 411 031.

... Applicant.

(By Advocate Shri S.P. Saxena)

VERSUS

1. The Union of India through
The Secretary,
Ministry of Defence,
New Delhi - 110 011.

2. The Engineer-in-Chief,
Army Headquarters,
New Delhi - 110 011.

3. The Commandant,
College of Military Engg.
Dapodi, Pune 411 031.

... Respondents.

(By Advocate Shri R. K. Shetty)

O R D E R

PER : Shri S. G. Deshmukh, Member (J).

The present O.A. is filed for a declaration that the applicant is entitled to count the services rendered by him in the capacity of Lecturer in Engineering College at Ramtek and consequently he is entitled for consideration for placement as Senior Lecturer from 09.09.1994 and directing the respondents to hold Review - Screening Committee Meeting to reconsider the case

of the Applicant for promotion/placement in the grade of Senior Lecturer from 10th September, 1994 instead of 01.09.1997.

2. The applicant's case is that he is working as a teaching faculty member at the College of Military Engineering, Pune. He is employed as Lecturer in the pay scale of Rs. 2200-4000 since his appointment. The College of Military Engineering, Pune, is affiliated/recognized by the Jawaharlal Nehru University, New Delhi and it is under the administrative control of the Respondents. It is contended that the Central Government had appointed an All India Council of Technical Education at New Delhi, which is the nodal body constituted to control technical education in all Engineering Colleges in India. The said A.I.C.T.E. Education approves the syllabus and also maintains the standard of education all over India in Technical Colleges/Universities. The Central Government, Ministry of H.R.D. (Department of Education) in consultation with A.I.C.T.E. and various universities has prescribed a package for teaching faculty members of Engineering College/Polytechnics and this A.I.C.T.E. package prescribes the necessary educational qualification, Career Advancement Scheme, pay scales, promotion method, etc. for all teaching faculty staff on uniform basis throughout India in Colleges/Universities. It is contended that A.I.C.T.E. package came to be extended to the College of Military Engineering by the sanction of President of India vide letter No. 42140/AICTE/CME/EIB dated 06.02,1996. The said package is extended and made applicable to C.M.E., Pune, with effect from 01.01.1986 retrospectively. All the teaching faculty staff of C.M.E., who were Government servants and whose scale of pay,

promotional channel, etc. were regulated similar to other Central Government employees, came to be now governed by the conditions stipulated in A.I.C.T.E. Package. It was also provided that A.I.C.T.E. package and existing recruitment rules in C.M.E., Pune stands amended to those of A.I.C.T.E. Package and to the extant the same are inconsistent with each other. It is contended that as per package and U.G.C. letter dated 20.10.1991 every lecturer would be placed in the next higher post of Senior Lecturer in the scale of Rs. 3000-5000 on completion of 8 years of service as a Lecturer. This placement is to be ordered by the Screening Committee which meets for such purposes periodically and places/ promotes teaching staff from one grade to higher post/grade, as per the AICTE or UGC norms.

3. It is contended that the applicant now working as a Lecturer in C.M.E. has already completed 8 years in the post of Lecturer since he was first appointed to a recognized College/University and his appointment was of regular and permanent nature through approved selection body like UPSC, etc. It is contended that as per AICTE/UGC Rules, all periods spent as Lecturer in any one or more recognized/approved Colleges is reckoned to calculate the 8 years requirement/eligibility for the placement in the Senior Lecturer grade/post. It is contended that the applicant fulfils the requirement of counting his earlier service for the purpose of computing 8 years for his eligibility for placement to the post of Senior Lecturer. The applicant had made representations on 12.01.1999, 18.01.1999 and

25.05.1999.

4. It is contended that during the pendency of the application, the respondents issued a letter dated 08.01.2001 whereby certain Lecturers in the College of Military Engineering have been promoted on completion of 8 years of service as Senior Lecturers. The applicant is given the placement in the post of Senior Lecturer only from 01.09.1997 which shows that the respondents have counted 5 years of service of the applicant rendered in the present establishment of C.M.E., Pune as per 5th Pay Commission and the norms of AICTE and the respondents have totally ignored the services rendered by the applicant at the Engineering College at Nagpur from 10.09.1996 till 26.08.1992. This action of the respondents is contrary to the order on the subject. The applicant should have been placed in the post and scale of Senior Lecturer from 09.09.1986 by considering that he served as Lecturer on regular basis from 09.09.1986 in the scale of Rs. 2200-4000 and his services at Engineering College, Ramtek, Nagpur, was continuous and without any break. Hence this O.A.

5. The respondents have filed their counter-affidavit and contend that the applicant joined the office of the respondents only on 01.09.1992 and hence completed his eight years on 31.08.2000. The question of considering his case as per AICTE did not arise as a Lecturer has to put in 8 years of service in that post before being placed in the higher scale of Senior Lecturer. This 8 years is reduced to six years for those possessing Master's Degree in Engineering and 4 years for those possessing Ph.D. It is contended that the case of the applicant for placement in the grade was taken up with the Ministry of Defence in June, 1999. During the process, the Government of India, Ministry of Defence, issued letter dated 31.08.1999 granting revised AICTE pay scales to civilian professorial staff.

As per said letter, the minimum length of service for eligibility to move into the grade of Senior Lecturer is four years for those with Ph.D, five years for those with M.Phil/M.E/ M.Tech and 6 years for others as a Lecturer. Accordingly, the case of the applicant has been prepared. The applicant joined the C.M.E., Pune, as a Lecturer in Mathematics on 01.09.1992 in the pay scale of Rs. 2200-4000 on having been selected for the same by the U.P.S.C. He was eligible for consideration for placement in the grade only on 31.08.2000 as he acquired M.Phil Degree only in November, 1998. As the applicant joined the C.M.E., Pune, on 01.09.1992, his case for Career Progression cannot be considered from the date prior to that. Counting of previous service is taken into account only for pensionary benefits and initial pay fixation. His appointment in C.M.E. as Lecturer is fresh in all respects. It was in no way in continuation with his previous appointment. His previous service cannot be considered for placement in Senior Lecturer's grade. Revised AICTE pay scales to Civilian Professorial Staff of C.M.E., Pune, has been granted by letter No. PCI(3)/89/D/Civ.I)/Vol.II dated 31.08.1999.

6. Heard the Learned Counsel, Shri S.P. Saxena for the applicant and Shri R. K. Shetty, Learned Counsel for the Respondents.

7. It is apparent that the respondents issued letter No. 7920/2000/D(APPTS.) dated 08.01.2001 whereby the applicant is granted the placement/promotion in the grade of Senior Lecturer w.e.f. 01.09.1997. According to applicant, he was to be placed

in the grade of Senior Lecturer w.e.f. 10.09.1994 on completion of 8 years of service as a Lecturer, including the services rendered by him as a Lecturer in the Engineering College at Ramtek, Nagpur. Thus, the only point in dispute is whether the services rendered as a Lecturer by the Applicant in the Engineering College, Ramtek, has to be taken into consideration for determining the eligibility for placement to the post of Senior Lecturer.

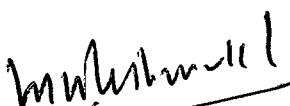
8. The applicant has been appointed as a Lecturer in the pay scale of Rs. 2200-4000 under Government of India w.e.f. 01.09.1992. The present employment of the applicant under Government of India is made through the U.P.S.C. The appointment order of the applicant is brought on record at page 62 of the Paper Book. The certificate of assumption of duty is brought on record at page 71 of the Paper Book. It appears from the order in question that the applicant has joined this service afresh under the Government of India w.e.f. 01.09.1992. The employment is not in continuation of his service as Lecturer at Kavikulguru Institute of Technology & Science, Ramtek, Nagpur. The applicant is governed by the order and instructions issued from time to time by the Government of India. The instructions for implementation of pay scales under AICTE are contained in Government of India, Ministry of Human Resources Development (Department of Education) letter no. F.6-1/88-T.5 dated 28.02.1989 and Ministry of Defence letter No. PC-1(3)/89/D(Civ.I) dated 15.04.1994. The Government of India, Ministry of Defence, issued letter No. PC.1(3)/89/D(Civ.I)/Vol.II dated 31.08.1999 granting revised AICTE pay scales to the Civilian Professorial staff. There appears no provision for counting of previous

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service for grant of Career Advancement under the Ministry of Defence (M.O.D.), Government of India. According to revised norms contained in the Government of India letter dated 31.08.1999 the length of service required is six years. It appears that applicant has acquired M.Phil Degree during November, 1998. The applicant has been granted Career Advancement in the pay scale of Rs. 10,000-15,200 w.e.f. 01.09.1997 i.e. after the completion of 5 years of service from 01.09.1992 as required vide para 4(a) of the Government of India letter dated 31.08.1999. It appears that the previous service rendered by the applicant in the Engineering College at Ramtek, Nagpur, was not taken into account as there appears no provision for counting the same under the Ministry of Defence. The applicant has relied on AICTE letter dated 29.09.2003 and U.G.C. D.O. letter No. F.1-6/90(PS Cell) dated 27.11.1990. However, this has to be adopted by the Ministry of Defence. The applicant is an employee of Ministry of Defence and is governed by the rules, orders and instructions issued by Ministry of Defence. The applicant has already been granted placement in the grade of Sr. Lecturer w.e.f. 01.09.1997.

9. In view of the above discussions, the O.A. stands dismissed. No order as to costs.


(S.G. DESHMUKH)

MEMBER (J).


(ANAND KUMAR BHATT)

MEMBER (A).

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