

**Central Administrative Tribunal
Principal Bench, New Delhi**

RA No.283 of 2015
IN
OA No. 3609 of 2013

This the 6th day of November, 2015

HON'BLE MR. A.K. BHARDWAJ, MEMBER (J)
HON'BLE MR. SHEKHAR AGARWAL, MEMBER (A)

1. Dr. Munendra Kumar,
S/o late Sh. R.N. Singh,
R/o KA-68, F-2, Kaushambi,
Distt: Ghaziabad (UP).
2. Sh. T. Vijaya Kumar,
S/o Sh. K. Thangamani,
R/o 2/9, Aryabhat Enclave,
Ashok Kumar, Delhi-52.
3. Dr. Raju Sarkar,
S/o late Sh. Raj Kumar Sarkar,
R/o Qtr. No.2, Type-III,
G.B. Pant Polytechnic Campus,
Okhla, New Delhi-20. ...Review Applicants

Versus

1. Secretary,
Department of Training and Technical Education,
Govt. of N.C.T. Delhi,
Muni Maya Ram Marg,
Pitampura, Delhi-88.
2. Chairman,
All India Council for Technical Education
(AICTE), 7th Floor, Chanderlok Building,
Janpath, New Delhi-1.

Also at:

NBCC Place,
4th Floor, Eastern Tower,
Bhisham Pitmah Marg,
Pargati Vihar, Lodhi Road,
New Delhi-3. Respondents

ORDER (in Circulation)**MR. SHEKHAR AGARWAL, MEMBER (A) :**

This Review Application has been filed for review of our Order dated 17.9.2015 in OA No.3609/2013 in which the following directions were given:-

“8. Under these circumstances, we dispose of this O.A. with a direction to GNCTD to make a reference in this regard to AICTE within four weeks, who shall respond to the same within four weeks thereafter. The GNCTD shall then act in accordance with the response received from AICTE. In case, the clarification received is in favour of the applicants, they shall be considered for grant of selection grade from the dates from which they become eligible for the same as per the clarification received. If the selection grade is granted, they shall also be eligible for consequential benefits of pay fixation and arrears. The respondents shall complete this exercise within 12 weeks from the date of receipt of a certified copy of this order. Needless to say that if the applicants are still aggrieved by the decision of the respondents, they shall be at liberty to approach this Tribunal by means of fresh judicial proceedings, if so advised. No costs.”

2. The review applicants (OA applicants as well) submitted that this Tribunal has committed an error apparent on the face of the record in as much as it has proceeded on the assumption that the past services of the applicants rendered in diploma level institutions have not been counted at all by the respondents whereas actually the fact is that past services have been counted for the purpose of grant of senior scale but have not been counted for the purpose of selection grade.

3. We have perused the case file. We are not inclined to agree with the review applicants. It was very much in our notice that the respondents themselves have submitted in their counter that the Selection Committee has counted their services for grant of senior scale. This is apparent from para 6.3 of our Order which is reproduced below:-

“6.3 Government of NCT of Delhi have also filed their reply in which they have stated that as far as grant of selection grade to the applicants was concerned, a Selection Committee meeting was held and the Selection Committee was of the view that counting of past service rendered by the faculty can be considered only for grant of senior scale and not for selection grade owing to the fact that these faculty members were selected as Lecturers by UPSC. A faculty member was required to render at least 05 years of regular service in senior scale of the Institute in order to be eligible for grant of selection grade. Further, the AICTE Guidelines prescribed for counting of past service of teachers of Degree Level Technical Institutions whereas all the three applicants were praying for counting of past service rendered in Polytechnics, which were Diploma Level Institutions. With regard to submission of applicants that one Sh. Dinesh Kumar Raheja from Ambedkar Institution of Technology has been granted benefit of past service, the respondent - GNCTD have submitted that Ambedkar Institute of Technology was a Degree Level Institution and that in any case, the applicants cannot be given benefit of any illegality committed in the case of Sh. Dinesh Kumar Raheja.”

4. We were, however, of the opinion that AICTE guidelines have nowhere prescribed how past services rendered in the Diploma Level Institution have to be treated when an employee moves from such institution to a Degree Level Institution. Under those circumstances, we had directed that a reference be made by respondents to AICTE and action be

taken in accordance with reply received thereon. Thus, there is no error apparent on the face of the record.

5. If the review applicants are aggrieved by this finding, it would be appropriate for them to challenge the same in higher judicial forum. Their prayer is outside the scope of the Review Application and hence, cannot be entertained.

6. We, therefore, find no merit in this Review Application and dismiss the same in circulation.

(SHEKHAR AGARWAL)
MEMBER (A)

(A.K. BHARDWAJ)
MEMBER (J)

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