

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

OA 3409/2015
With
OA 3411/2015

Reserved on: 3.02.2017
Pronounced on: 8.02.2017

Hon'ble Mr. P.K. Basu, Member (A)
Hon'ble Mr. Raj Vir Sharma, Member (J)

OA 3409/2015

Hiranmay Biswas
Lecturer (Architecture)
S/o Shri A.K. Biswas
R/o 2/4 Aryabhat Enclave,
Ashok Vihar, Phase-III
Delhi-52

.... Applicant

(Through Shri Sourabh Ahuja, Advocate)

Versus

1. Govt. of NCT of Delhi
Through its Chief Secretary
Delhi Sachivalaya, Players Building
I.P. Estate, New Delhi-2
2. Principal Secretary/ Secretary
Department of Training & Technical Education
GNCT of Delhi,
Muni Maya Ram Marg,
Pitam Pura, Delhi-88
3. The Principal
Aryabhat Polytechnic
Directorate of Training & Technical Education
GNCT of Delhi
G.T. Karnal Road, Delhi-33
4. Director
DTTE, GNCT of Delhi
Muni Maya Ram Marg,
Pitam Pura, Delhi-88

.... Respondents

(Through Shri N.K. Singh for Mrs.Avnish Ahlawat, Advocate)

OA 3411/2015

N.C. Goel
Lecturer (Selection Grade)
S/o Shri Damodar Dass
R/o G-1106, Amrapali Sapphire,
Sector-45, Noida-201301

.... Applicant

(Through Shri Sourabh Ahuja, Advocate)

Versus

1. Govt. of NCT of Delhi
Through its Chief Secretary
Delhi Sachivalaya,
I.P. Estate, New Delhi-2
2. Principal Secretary/ Secretary
Department of Training & Technical Education
GNCT of Delhi,
Muni Maya Ram Marg,
Pitam Pura, Delhi-88
3. The Principal
Pusa Polytechnic
Directorate of Training & Technical Education
GNCT of Delhi, Pusa
New Delhi
4. Deputy Director (E-I)
DTTE, GNCT of Delhi
Muni Maya Ram Marg,
Pitam Pura, Delhi-88

.... Respondents

(Through Shri N.K. Singh for Mrs.Avnish Ahlawat, Advocate)

ORDER

Mr. P.K. Basu, Member (A)

OA 3409/2015 and OA 3411/2015 are on the same issue
and, therefore, are disposed of by this common order.

OA 3409/2015

2. In this OA, the applicant had been granted promotion as Lecturer (Selection Grade) in the pay scale of Rs.12000-18300 with effect from 18.02.2009 vide order dated 1.02.2010. In the same order, the following were also promoted to the post of Lecturer (Selection Grade) from the dates shown against each:

<u>Name</u> <u>(Mr.Ms.)</u>	Date of grant of Selection Grade w.e.f.
Hiranmay Biswas (applicant)	18.02.2009
Pramod Kumar Goyal	26.08.2009
Shelly Goel	18.03.2008
Dr. Manasi Singhi	28.09.2009
Kavita Behal	5.03.2009
Dr. Ved Kumari	22.09.2009
Sumitra Yadav	31.03.2009
Sangeeta Bhatia	28.05.2009

3. In the order dated 29.07.2010, which was for implementation of the revised pay scales, the following has been provided:

“12. Revised Pay Scales, Service Conditions and Career Advancement Scheme for teachers and equivalent positions:

The pay structure for different categories of teachers and equivalent positions shall be as indicated below:

xxxx xxxx xxxx xxxx

(xii) Lecturers (Selection Grade), completing 3 years of teaching with the AGP of Rs.8000/- shall be eligible, subject to other conditions, as may be

proscribed by All India Council for Technical Education/ State Government to move to the Pay Band of Rs.37400-67000 with AGP of Rs.9000/-."

4. The respondents vide order dated 9.10.2013 have granted the Grade Pay of Rs.9000/- to the following from the dates indicated against each:

S.No.	Name	Due date of Grant of PB-4
1.	Pramod Kr. Goyal	26.08.2012
2.	Dr. Ved Kumari	22.09.2012
3.	Kavita Behl	5.03.2012
4.	Sumitra Yadav	2.12.2012
5.	Sangeeta Bhatia	28.05.2012

All the above 5 persons were junior to the applicant as they were given Selection Grade of Lecturer from a date after the date from which Selection Grade was granted to the applicant.

5. The case of the applicant, therefore, is that despite he being senior to others, has not been granted Rs.9000/- Grade Pay, which is discriminatory.

6. Learned counsel for the respondents argued that Rs.9000/- Grade Pay was denied to the applicant because he was due for Grade Pay of Rs.9000/- on 18.02.2012 i.e. after 5.03.2010 and at that time AICTE guidelines of 2012 were applicable. It is stated that AICTE guidelines 2012 are under submission for Cabinet approval of GNCT Delhi and as and when these guidelines are approved, the case of the applicant will be

considered accordingly. Learned counsel for the respondents further stated that order dated 9.10.2013 is subject to the clarification sought from AICTE regarding their notification dated 8.11.2012.

7. In his reply, the learned counsel for the applicant stated that apart from 5 candidates junior to the applicant who have been given Grade Pay of Rs.9000/-, vide order dated 5.07.2012, again several Lecturers have been granted the Grade Pay of Rs.9000/- with effect from the dates in 2010, 2011 and 2012, which shows further that the respondents are discriminating against the applicant.

8. We have heard the learned counsel for the parties and gone through the pleadings available on record.

9. This is a clear case of discrimination. If the respondents have granted Grade Pay of Rs.9000/- to persons junior to the applicant subject to clarification of 2012 guidelines from AICTE, the same should have been granted to the applicant as well. The OA is, therefore, allowed with a direction to the respondents to issue an order granting Grade Pay of Rs.9000/- to the applicant from the date due to him i.e. 18.02.2012 with all consequential benefits namely difference in salary, arrears of pay etc. However, we do not allow payment of interest, as sought by the applicant. The above direction should be complied with within a period of two months from the receipt of a certified copy of this order. No costs.

OA 3411/2015

10. In this OA, the only difference is that the applicant had been denied Selection Grade for which he filed OA 1622/2012 and the respondents were directed to consider the applicant for grant of Selection Grade from the date of eligibility. This was challenged before the Hon'ble High Court but the Hon'ble High Court was pleased to dismiss the Writ Petition and the respondents complied with the order of the Tribunal granting him Grade Pay of Rs.8000/- for the post of Lecturer with effect from 30.06.2009. The applicant claims that being similarly placed as the applicant in OA 3409/2015, he may also be granted Grade Pay of Rs.9000/- with effect from 30.06.2012.

11. In view of the order passed in OA 3409/2015, we allow this OA with a direction to the respondents to issue an order granting Grade Pay of Rs.9000/- to the applicant from the date due to him i.e. 30.06.2012 with all consequential benefits namely difference in salary, arrears of pay etc. However, we do not allow payment of interest, as sought by the applicant. The above direction should be complied with within a period of two months from the receipt of a certified copy of this order. No costs.

(Raj Vir Sharma)
Member (J)

(P.K. Basu)
Member (A)

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