

**Central Administrative Tribunal
Principal Bench**

O.A. No.3725/2013

New Delhi this the 29th day of November, 2016

Hon'ble Sh. Raj Vir Sharma, Member (J)
Hon'ble Sh. K.N.Shrivastava, Member (A)

1. Smt. Vijay Rani Sharma,
W/o Sh. B.L. Sharma,
R/o B-7/3, Sector-18,
Rohini, Delhi-85. Applicant

(By Advocate: Mr. Yogesh Sharma)

Versus

1. NCT of Delhi through the Chief Secretary,
5th Floor, Delhi Sachivalaya, New Delhi
2. The Director,
Directorate of Social Welfare,
Govt. of NCT of Delhi
GLNS Complex, Delhi Gate,
New Delhi.
3. Union Public Service Commission,
Through the Secretary
Shahajhan Road, New Delhi.
4. The Secretary
Ministry of Home Affairs
Govt. of India, North Block
New Delhi.
5. The Secretary,
Ministry of HRD
Govt. of India, Shastri Bhawan
New Delhi. Respondents;

(By Advocate: Mr. Vijay Pandita-R-1 & R-2

Mr. Amit Yadav with Mr. Ravinder Aggarwal-R-3

Mr. Gyanendra Singh-R-5

None for Respondent No.4)

ORDER (ORAL)**Mr. K.N. Shrivastava, Member (A)**

The applicant, at the relevant point of time, was working as Superintendent in the Government of NCT of Delhi (GNCTD). She had claimed for financial upgradation under 2nd ACP. Her request was not considered on the ground that she did not possess the educational qualification required for the post of Sr. Superintendent, the post for which she would have been granted financial upgradation under the 2nd ACP.

2. She had approached this Tribunal in OA No. 2398/2010. The said OA was disposed of by the Tribunal vide order dated 29.11.2010 with the following directions :-

“9. Accordingly, we are of the considered view that once the recruitment rules lay down the methodology, which has to be followed even in ACP, not only the claim of the applicant for a referral to the UPSC for determining the equivalence of her educational qualification but also relaxation is now to be considered by the respondents, which they may do so by treating the present OA as a representation on behalf of the applicant and decide the claim by passing a speaking order within a period of two months from the date of receipt of a copy of this order.”

3. Pursuant to the ibid directions of the Tribunal in OA No. 2398/2010, the respondent No. 2, vide impugned communication at Annexure A-1 dated 07.11.2012, has informed the applicant that her case was referred to UPSC, who are of the view that the Ministry of Home Affairs, vide letter dated 16.03.2012, have already intimated to the GNCTD that under ACP Scheme, there is no provision of relaxation of norms prescribed in the recruitment rules. The said communication further states that the Department of Social Welfare may take up the matter of determining the equivalence of educational qualification possessed by the applicant to that prescribed in the Recruitment Rules with the Ministry of Human Resources & Development (HRD), Govt. of India.

3. Initially Ministry of HRD were not arrayed as a party. During the course of hearing, the Tribunal felt that Ministry of HRD are a necessary party. Accordingly, applicant was directed to implead them as such. Thereafter, Ministry of HRD were impleaded as Respondent No.5 in the OA. The respondent No.1 in their reply, inter-alia, have submitted that this matter has already been referred to Ministry of HRD by them vide letters dated 17.04.2013 and 19.02.2014 at Annexures R-2 & R-3 respectively.

4. Both the sides agreed that this OA may be disposed of by giving a time bound direction to the Ministry of HRD respondent No.5 to decide the matter referred to them by GNCTD vide their Annexures R-2 & R-3 letters.

5. In this view of the matter, without going into the merits of the case, we direct the Ministry of HRD (Respondent No. 5) to decide the issue referred to in Annexures R-2 & R-3 letters of GNCTD to them within a period of three months from the date of receipt of a copy of this order. The O.A. accordingly stands disposed of.

6. No order as to costs.

(K.N. Shrivastava)
Member (A)

(Raj Vir Sharma)
Member (J)

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Order (oral)

None appeared on behalf of applicant. Learned counsel for the applicant is appearing since last two consecutive dates. Therefore, this O.A. is dismissed in default and for non prosecution.