

**Central Administrative Tribunal
Principal Bench**

OA No.3102/2014

Reserved on : 14.09.2015
Pronounced on : 17.09.2015

**Hon'ble Mr. Justice Syed Rafat Alam, Chairman
Hon'ble Mr. P. K. Basu, Member (A)**

1. Vocational part time teachers association,
Delhi (Regd.)
148 A, Todarmal Colony,
Najafgarh, New Delhi 110 043.
Through its President
Smt. Vedwati Yadav.
 2. Mrs. Sushila Devi
W/o Sh. Om Prakash
R/o 218, 3rd Floor,
Shalimar Bagh (East)
Delhi 110 088.
- ... Applicants.

(By Advocate : Shri N. S. Dalal)

Versus

1. Govt of NCT of Delhi
General Administration Department,
Delhi Secretariat,
IP Estate, New Delhi
Through its Chief Secretary.
 2. Govt. of NCT of Delhi
Through Secretary,
Education Department,
Govt. of NCT of Delhi,
New Delhi.
- ... Respondents.

(By Advocate : Shri K. M. Singh)

: O R D E R :

P. K. Basu, Member (A) :

The part time vocational teachers are categorised as “part time qualified vocational teachers” and, in case of those not

possessing some qualification, “non qualified vocational teachers”.

2. In 2009, for the first time, two separate scales were provided for these two categories of teachers. For part time vocational teachers, the pay was Rs.13160/- and for part time non qualified vocational teachers Rs.11140/-. The reason for this distinction is that while pay of part time qualified vocational teachers was pegged to post graduate teachers’ (PGT) scale of Rs.6500-10500/-, the post of part time non qualified teachers was pegged to trained graduate teachers (TGT) in the pay scale of Rs.5500-9000/-. Adding DA etc. to the minimum of the scales, the amount of Rs.13160/- and Rs.11140/- was worked out. Vide Notification dated 25.07.2013 (Annexure A-2), the pay scale of part time qualified vocational teachers has been enhanced from Rs.13160/- to Rs.23,265/-p.m. w.e.f. 02.05.2013. However, there has been no enhancement in the pay scale of part time non qualified vocational teachers.

3. Being aggrieved by this discrimination, the applicant has filed this Original Application seeking the following reliefs:-

- “(i) declare that non qualified teachers are also entitled for same enhancement in similar way as has been so done in case of qualified vocational teachers and on the same basis as has been so done in the year 2009;
- (ii) direct the respondent to implement the decision which they have taken qua non qualified teachers

also by granting them remuneration for which decision has been taken by the respondent but could not be implemented on account of invoking Model Code of Conduct;

- (iii) direct the respondent to pay arrears from 02.05.2013 onwards along with interest;
- (iv) award costs of the present original application in favour of the applicant and against the respondents; and
- (v) pass any other or further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in favour of the applicant and against the respondent."

4. The respondents' basic reply is that proposal for enhancement of remuneration in respect of part time non qualified vocational teachers who are drawing remuneration at the rate of Rs.11140/-p.m. was pending for one year since there was no Cabinet/Government in the State of National Capital Territory of Delhi and a proposal for consideration of competent authority in GNCT has been framed in 2012, a copy of which is enclosed as Annexure R-1. In para 12 of the said proposal, it has been stated:-

"12. The remuneration of Vocational Part Time Teachers, who are qualified as per RRs of PGT (Vocational) is arrived at on the basis of Basic Pay + Grade Pay + Dearness Allowances (51%) as on 01.01.2011, i.e. Rs.21,291/- and non qualified as per RRs of PGT (Vocational) is arrived at Rs.20,989/-, respectively. The present policy of Govt. does not allow HRA & CCA in calculating the consolidated remuneration."

In case of part time qualified vocational teachers this is perhaps the formula that has been adopted.

5. The fact is that last time the emoluments of both categories were fixed in 2009 and the same were pegged to PGT & TGT scales as discussed above. Thereafter, in 2013, adopting a certain formula, as discussed above, the emoluments of part time vocational qualified teachers were enhanced from Rs.13160/- to Rs. 23,265/-. The part time non qualified vocational teachers' case was left out pending formation of government. However, the respondents have assured that a similar proposal has now been moved for part time non qualified vocational teachers and the same is placed before the government.

6. In view of the fact that the respondents have moved such a proposal now, we dispose of this OA with direction to the respondents to consider the enhancement of remuneration in case of part time non qualified vocational teachers as well on the lines of formula at para 12 of the proposal cited above and issue orders in this regard within a period of three months from the date of production of certified copy of this order. No costs.

(P. K. Basu)
Member (A)

(Syed Rafat Alam)
Chairman

/pj/