

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

**OA NO.3704/2017**

NEW DELHI THIS THE 4<sup>TH</sup> DAY OF OCTOBER, 2018

**HON'BLE MR. K.N. SHRIVASTAVA, MEMBER (A)**  
**HON'BLE MR. S. N. TERDAL, MEMBER (J)**

1. Vaishali, age 29 yrs, (G-B) (TGT),  
D/o Sh. Tej Pal,  
R/o 218, Masjid Moth,  
Near South Extension,  
Part-II, New Delhi-110049.
2. Pooja gupta, age 31 years (G-B) (TGT),  
D/o Sh. Ramesh Kumar,  
R/o B-332, Ashok Nagar,  
Shahdara, Delhi-110093.
3. Annu Dahuja, age 33 years (G-B) (TGT),  
D/o Sh. Tarun Chawla,  
R/o 198/35, IInd Floor,  
Street No.5, Ramesh Market,  
Garhi, East of Kailash, Delhi.
4. Manoj Sharma, age 41 yrs, (G-B) (TGT),  
S/o Sh. M.M. Sharma,  
R/o T-232, Shivaji Nagar,  
Street No.7, Narela,  
Delhi-110040.

...Applicants

(By advocate: Mr. Yashpal Rangi)

**VERSUS**

Govt. of NCT of Delhi & Ors, through:

1. Chief Secretary,  
IP Estate, Players Building,  
New Delhi.
2. The Secretary,  
Department of Training & Technical  
Education, Muni Maya Ram Marg,  
Pitampura, Delhi-110088.

3. The Director,  
Department of Training & Technical Education,  
Muni Maya Ram Marg, Pitampura,  
Delhi-110088.

...Respondents

(By advocate: Mr. Sameer Sharma for Ms. Rashmi Chopra)

### **ORDER (Oral)**

**By Shri K.N. Shrivastava, Member (A):**

The Applicants were engaged as Craft Instructors in Department of Training and Technical Education (DTTE). Applicant No.1, Ms. Vaishali, was engaged vide Annexure-A-3 order dated 10.02.2012 as Craft Instructor (ID&D), applicant No.2 vide order of even date also as Craft Instructor (ID&D). Applicant Nos.3 and 4 were engaged as Craft Instructors (CH&N) vide order dated 05.01.2009 (page 41). They have been disengaged from the contractual engagement w.e.f. 16.09.2014.

2. Being aggrieved by the order of disengagement as Craft Instructors on contract basis, the applicants have approached this Tribunal in the instant OA, praying for the following reliefs:-

- “i) quash and set aside order dated 16/9/2014 whereby applicant no.1 service was terminated and further declare the action of respondents in terminating the applicants services as CCIs and continuing the service of similarly placed CCIs as arbitrary and illegal; and
- ii) quash and set aside impugned notice dated 19/9/2017 to the extent respondents have invited application for two posts of Instructors/Lecturers each in the trades of Draftsman (Civil) and COPA being against the well settled principle of law; and

- iii) direct the respondents to re-engage the applicants as CCIs either in the trades for which they are eligible as per RRs for academic session 2017-18.”

3. Pursuant to the notices issued, the respondents have entered appearance and filed their reply, in which their main contention is that the dis-engagement of the applicants had become necessary as they did not possess the requisite qualification as per the Recruitment Rules (RRs). Shri Sameer Sharma, learned proxy counsel for respondents drew our attention to the Trade-wise number of vacancies and essential qualification for Instructors in Govt. ITSs/BTC (page-36), where at Serial No.4, qua the post of Craft Instructor (Computer Hardware & Networking Maintenance), it is indicated that an officer holding four (04) years degree with one year experience in Computer Science/IT/Electronics & Communication Or Master degree in Computer Application, and three (03) years diploma with two years experience in Diploma in Computer Science/IT/Electronics & Communication or Bachelor Degree in Computer Application or NIELIT “A” level, would be eligible for such appointment. It is stated that applicant Nos.3 and 4, who had been engaged as Craft Instructors (CH&N), did not possess the prescribed qualifications, and hence they could not be continued as Craft Instructors on contract basis.

4. As regards applicant Nos.1 and 2, learned proxy counsel for respondents stated that they had been engaged as Craft Instructors (ID&D), for which, as per the RRs, the prescribed educational qualification is four (04) years degree with one year experience in

Computer Science/IT/Electronics & Communication or Master degree in Computer Application and three (03) years diploma with two years experience in Diploma in Computer Science/IT/Electronics & Communication Or Bachelor Degree in Computer Application or NIELIT "A" level. He further drew our attention to page-71 of the paper book in this regard. The applicant Nos.1 and 2 are processing the qualification of NTC in Draughtsman (Civil), and as such, they could not have been continued as Craft Instructor (ID&D), as they do not have processed the requisite qualification, Shri Sharma argued.

5. Shri Yaspal Rangi, learned counsel for applicants drew our attention to the averments made by the respondents in para 4.5 of the reply filed on behalf of the respondents wherein, *inter alia*, it is stated that vide notice dated 19.09.2017, MCA has been recognized as one of the essential qualifications for appointment to the post of Craft Instructor in the trade of CH&N. He, thus, contended that the applicant Nos.3 and 4 now stand declared eligible for the said post. He further argued that there are six (06) posts of Craft Instructors (Draughtsman Civil), which are lying vacant in D/M/Civil, against which the applicant Nos.1 and 2 could be considered.

6. We have considered the arguments of both the parties and perused the pleadings on record.

7. Undisputedly even the contract appointments have to be made in accordance with RRs. The applicant Nos.3 and 4 were initially

engaged as Craft Instructor (CH&N,) even though they did not have the requisite qualification as prescribed under the RRs. However, after the issuance of notice dated 19.09.2017, the MCA has been recognized as one of the essential qualifications for appointment to the post of Craft Instructor (CH&N), hence, these two applicants are now eligible to be considered against the said post.

8. As regards applicant Nos.1 and 2, they had been engaged as Craft Instructor (ID&D), for which they do not have the requisite qualification, as laid down in the RRs. Hence, we do not find any fault on the part of the respondents in dis-engaging them from the said post. In view of the fact that six (06) posts of Draughtsman Civil are still lying vacant and these applicants are having the requisite educational qualifications, as prescribed in the RRs, they can be considered for the said post.

9. In the conspectus of the discussions in the foregoing paras, we dispose of the OA in the following terms:

- i) Respondent No.3 shall consider applicant Nos.3 and 4 for reengaging them as Craft Instructor (CH&N). However, such contractual engagement shall be subject to their satisfactory performance and till regular appointments are made against the post.**
- ii) Respondent No.3 shall grant due consideration to engaging applicant Nos.1 and 2 against the post of Draughtsman Civil.**

**iii) The directions as above (i) and (ii) (supra) shall be complied with, within a period of eight weeks, by way of passing a reasoned and speaking order.**

10. In view of the above order, the interim order dated 26.10.2017 stands vacated. No costs.

**(S.N. TERDAL)  
MEMBER (J)**

**(K.N. SHRIVASTAVA)  
MEMBER (A)**

/jk/