

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

OA No. 3253/2014

This the 18th day of September, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Dr. K. K. Prasad
Lecturer (Mathematics)
S/o. Late Sh. Shivaprasana Prasad
R/o. 1347-A/13, GF, Govindpuri,
Near Petrol Pump
PO Kaklaji, Delhi.

Presently posted at :-
Meera Bai Institute of Technology (DTTE)
GNCT of Delhi, Maharani Bagh,
New Delhi. Aged around 48 years ...Applicant

(By Advocate : Mr. Sourabh Ahuja)

Versus

1. Govt. of NCT of Delhi,
Through its Chief Secretary,
Delhi Sachivalaya, Players Building,
I.P. Estate, New Delhi-2.
2. Principal Secretary
Department of Training & Technical Education,
GNCT of Delhi, Muni Maya Ram Marg,
Pitam Pura, Delhi-88.
3. The Principal
Meera Bai Institute of Technology,
Department of Training & Technical Education,
Maharani Bagh
New Delhi-65.Respondents

(By Advocate : Ms. P. K. Gupta)

O R D E R (ORAL)**Justice L. Narasimha Reddy, Chairman :**

The applicant was appointed as a Lecturer (Mathematics) in Polytechnic in the Delhi Administration in 1995 on being selected by the UPSC. The AICTE issued a notification dated 30.12.1999 providing for the extension of benefit of the senior scale and selection grade, to the Lecturers in Polytechnic. Such of the Lecturers who have completed 6 years of regular service are considered eligible to be extended the benefit of senior scale. In case the Lecturer holds the Ph.D Degree, relaxation up to the extent of two years is provided. Similarly, if a lecturer has M.Phil, M.E./M.Tech., Degrees to his credit, the relaxation of one year is provided.

2. The applicant was extended the benefit of senior scale on 16.01.2001 i.e., on completion of 6 years of service. By citing instances of some other Lecturers, he contends that since he holds the post graduate degree in M. Sc (Mathematics), he was entitled to be extended the benefit, one year earlier. He filed this O.A with a prayer to direct the respondents to pre-pone the date of senior scale to 16.01.2000 from 16.01.2001. Prayer is also made for extension of consequential benefits and arrears, with interest of 18%.

3. The applicant contends that the scheme framed by the AICTE is clear in its purport and that the post graduate degree held by a Lecturer would hold good for the relaxation with one year. It is also stated that several Lecturers were extended the benefit of relaxation of one year, though the post graduate degree held by them was not the same as the one, mentioned in the circular dated 30.12.1999.

4. The respondents filed counter affidavit opposing the O.A. It is stated that para 8.2 of the circular issued by AICTE is very clear and in the context of granting relaxation and that the provision needs to be interpreted strictly. They submit that the applicant was extended the benefit of senior scale on completion of 6 years and he is not entitled for the relaxation of one year since he did not possess either M. Phil, M. Tech or M.E. Degrees. The comparison attempted by the applicant is also opposed by explaining the circumstances.

6. We heard Sh. Sourabh Ahuja, learned counsel for applicant and Ms. P. K. Gupta, learned counsel for respondents.

7. There is no dispute about the date of appointment of the applicant and his eligibility to be considered for the extension of the benefit of senior scale. In the notification dated 13.12.2019, para 8.2 deals with the conferment of the senior scale and 8.3 of the selection grade. They read as under :-

“8.2 Lecturer (Senior Scale) :

A Lecturer will be eligible for placement as Lecturer (Senior Scale), through a process of selection if he/she has :

- (i) Completed 6 years of service after regular appointment as a Lecturer, with relaxation of 2 years for those with Ph.D. and one year for those with M.Phil/M.E./M.Tech.,
- (ii) participated in one orientation course/induction training and one refresher course or industrial training of aggregate duration of 8 weeks, or has undertaken other appropriate continuing education or training programmes of comparable quality and duration as may be specified or approved by AICTE. Those with Ph.D. degree would be exempted from these course/training requirements.

8.3 Lecturer (Selection Grade):

A Senior Lecturer/Lecturer(Senior Scale) who has a Master's degree and 5 years' experience as Senior Lecturer or Lecturer (Senior Scale), and has consistently satisfactory performance appraisal reports will be eligible to be placed as Lecturer (Selection Grade), subject to the recommendation of the Selection Committee.”

8. From the perusal of this, it becomes clear that Lecturers who have completed 6 years of service are entitled for senior scale and those who possess M.Phil, M.E and M.Tech are eligible for relaxation of the residency period by one year. The applicant, no doubt, is a post

graduate, but, the degree possessed by him is M. Sc (Mathematics). Things would have been different all together had the stipulation under para 8.2 been that Lecturers with post graduation degree shall be entitled for relaxation of one year. In its wisdom, the AICTE restricted the relaxation only to those who possessed M.Phil, M.E and M.Tech. Through the process of interpretation, the scope of this clause cannot be changed. Time and again, hon'ble Supreme Court held that in matters which are technical in nature, the decision must be left to the concerned statutory authority.

9. By referring to para 8.3 of the Notification, an attempt is made by the learned counsel for applicant to state that when Master's Degree is treated as sufficient for conferment of selection grade and that there is no basis for the respondents to insist that the one for extending the benefit of senior scale must be M.Phil, M.E and M.Tech. It must be noted that the selection grade is conferred only to a Senior Lecturer, who completes 5 years' of service in that post. In other words, it is only after he crossed the phase of senior scale, without masters' degree. A Lecturer would have got the senior scale on completion of 6 years, even if he did not hold any P.G. Degree. However, he would not be eligible for selection grade, without P.G. degree. Such P.G.

degree need not be the same and M.E/M.Tech. This situation cannot be compared to the one of relaxation of one year's service in case the Lecturer holds the M. Phil, M.E as M. Tech degrees.

10. As to the comparison drawn with some Lecturers who were said to have been extended the benefit of relaxation of one year, the respondents have replied in paras 5.2 and 5.3 of their counter affidavit. Added to that, the Tribunal does not have to depend upon the understanding and interpretation of the officials in the Institute when the provision is beyond any pale of doubt.

11. The clarification issued by the AICTE through letter dated 18.10.2012 does not touch this aspect at all since the provision is beyond any doubt.

12. We do not find any merit in the O.A. and the same is dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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