

14

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A.NO.1142/2003

New Delhi, this the 18th day of May, 2004

HON BLE SHRI JUSTICE V.S. AGGARWAL, CHAIRMAN
HON BLE SHRI S.A.SINGH, MEMBER (A)

Sh. R.S.Bisht
working as Lecturer (sculpture) (Senior scale),
College of Art
20-22, Tilak Marg
New Delhi. ... Applicant

(By Advocate: Shri Ravi Kant proxy for Shri Arun
Bhardwaj)

Versus

1. Chief Secretary
G.N.C.T. of Delhi
Delhi Sectt., I.P.Estate
New Delhi.
2. Secretary
Directorate of Training and
Technical Education, GNCT
Muni Maya Ram Marg
Pitampura
Delhi - 110 088.
3. The Principal
College of Art
20-22, Tilak Marg
New Delhi.

... Respondents

(By Advocate: Sh. George Parackin)

ORDER

Justice V.S. Aggarwal:-

Applicant, by virtue of the present application, seeks a direction to the respondents to grant him the benefit of Career Advancement Scheme and accordingly pay scale of Rs.3700-5700, now revised to Rs.12000-18000. from 1995 with arrears and other consequential benefits.

2. It is asserted that on 2.1.1981, the College of Art has sanctioned the revised scales from 1.1.1973. It was mentioned that teaching staff

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pattern of the Institute will be determined in future on the basis of pattern existing in similar institution. On 9.10.1990, the respondent college fixed the pay of Lecturers in the scale of Rs.3700-5700 in accordance with the recommendations of the Dogra Committee. On 10.2.1995, the respondents consequent upon the acceptance of recommendations of the Dogra Committee and the relaxation that was granted by the Lt. Governor, placed many similarly situated persons in the above said scale. Applicant contends that he has completed 16 years of satisfactory service and he is eligible for the grant of Selection Grade, i.e., Rs.3700-5700 but was illegally not granted the said scale. It has further been pleaded that after 5th Central Pay Commission, the pay scale of Rs.3000-5000 has been revised to Rs.10000-15200 and Rs.3700-5700 has been revised to Rs.12000-18000. The applicant having been denied the said scale, has filed the present application claiming the above said reliefs.

3. The application is being contested. During the course of the submissions, respondents learned counsel has drawn our attention to the fact that in OA 1132/2003, in the case of Mahinder Singh Chaudhary v. Lt. Governor & Others decided on 6.2.2004, a similar question had come up for consideration and the application has been dismissed. In the cited case, Shri Mahinder Singh Chaudhary claimed that he had completed eight years of service as Director of Physical Education and thus as per the said Career Advancement Scheme, he was entitled to pay

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scale of Rs.3000-5000 on the recommendations of the Dogra Committee's Report. He claimed that on participation of two refresher courses, he was entitled to be placed in the scale of Rs.3700-5700 and he had also cited Shri J.C.Roy's case and stated that the same was also applicable in his case. This Tribunal had considered the same and dismissed the application firstly holding:

"8. The main plank of attack by the applicant in support of his claim is that respondents have granted CAS to S/Shri Vijay Mohan and B.D.Gupta without any refresher course from the post of Assistant Professor/Lecturer to that of Professor/Asstt. Professor while the applicant has been left out illegally. Besides, order dated 29.11.91 contains names of five such persons who have not done refresher course. Also UGC has decided to grant CAS to those teachers who are superannuating within next three years and they have been exempted from attending refresher courses. The applicant is superannuating within three years and such exemption should be given to him by granting the scale of Rs.12000-18000.

9. On the other hand, respondents' counsel submits that S/Shri Vijay Mohan and B.D.Gupta were promoted under MPS which does not require undergoing refresher course and not CAS. Also relaxation from attending refresher course granted by Lt. Governor was only a one-time measure as has been clearly mentioned in order dated 10.2.95 itself. In terms of the directions in OA 3222/92, applicant was given retrospective benefit from 1.1.1980 and he was placed in the scale of regular lecturer and therefore his services will be counted from 1.1.80 for the purpose of granting senior/selection scale if otherwise found eligible. CAS was extended to teachers by AJCTE on the recommendation of Dogra Committee and not by UGC. Therefore exemption given by UGC is not applicable to teachers of technical/vocational institutions. The counsel has however fairly conceded that the case of applicant is under consideration and the benefit under CAS would be extended to

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him provided he fulfils the eligibility conditions laid down under the Dogra Committee's recommendation."

Thereafter the Tribunal had proceeded and gave the following reasons while discussing the matter of Shri J.C.Roy:

"10. We have carefully gone through all these documents. In fact, the applicant in OA 1102/2003 is a Lecturer in College of Art who sought the benefit under MPS or CAS. That OA was dismissed. It is not understood how this judgement would assist the applicant. As regards other documents, we find that they also do not come to the rescue to the applicant inasmuch as a perusal of order dated 22.7.1999 issued pursuant to the decision dated 31.8.98 in OA 3222/98 (supra) shows that the post of PTI which the applicant was holding was upgraded to that of Director Physical Education w.e.f. 1.1.80 in the pay scale of Rs.700-1600 and subsequently in the pay scale of Rs.2200-4000 w.e.f. 1.4.1985 thus bringing him at par with Lecturer. Applicant has not challenged this order and therefore this has become final. We further find that the clarification issued by AICTE is applicable to only Teachers, Librarians and Directors of Physical Education of Degree Level Engineering and Technological Colleges and not to others. Obviously, the applicant cannot compare himself with, Shri J.C.Roy, who is working in Delhi College of Engineering and was granted relaxation as a one-time measure. That apart, respondents themselves have conceded that they are considering the case of applicant alongwith other eligible candidates for grant of promotion subject to their fulfilling all eligible criteria."

4. The arguments raised in the present application are identical and on parity of reasoning, we have no hesitation in holding that the present application is also liable to fail.

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5. Otherwise also, admittedly from 28.2.1989 the Department of Education had revised the pay scales of the Teachers in certain Engineering College and Degree Level Technical Institutions from 1.1.1986. This was in pursuance of the Dogra Committee's recommendations. The claim of revision of pay scale was drawn. The relevant portion of the same is:

"11. In order to encourage research, in continuation of post graduate studies, candidates who get the time of their recruitment as lecturers possess Master's and in Engineering/technology shall be granted 2 and 4 advance increments respectively and candidates who possess M.Phil and Ph.D degrees in Sciences and Humanities shall be granted 1 and 3 advance increments respectively in the scale of Rs.2200-4000 alongwith the benefit of corresponding years of service for the purpose of promotion. The existing Lecturers who do not possess these qualifications, or who might be recruited in future without these qualifications, will be eligible for a similar benefit in service for the purpose of promotion as and when they acquire these qualifications, but they will not be eligible for advance increments. Existing candidates who possess these qualifications will also be eligible for the benefit in service for the purpose of promotion.

CAREER ADVANCEMENT:

12. Every Lecturer will be placed in a senior scale of Rs.3000-5000 if he has

- completed 8 years of service after regular appointment with relaxation in service as provided in para 11 above;
- participated in two refresher courses or summer institutes each of approximately four weeks duration or in other comparable continuing education programmes approved by the All India Council for Technical Education; and
- consistently satisfactory performance appraisal reports.

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All lecturers in the existing scale of Rs.700-1600 who have completed 8 years of service on 1.1.19986, will be placed through a process of screening/selection in the scale of Rs.3000-5000. The benefit of service provided in para 11 will be available for the initial placement also.

13. Every Lecturer in the Senior Scale will be placed in a Selection Grade of Rs.3700-5700 on completion of 8 years service in the Senior Scale with relaxation in service as provided in para 12 above. Placement in the Selection Grade will be through a process of Selection by a Selection Committee set up by the appointing authorities. Only those who have attended to Refresher Courses or summer institutes or in other comparable continuing education programmes approved by the AICTE after placement in the Senior Scale, and whose performance has been assessed as consistently good, will be eligible for placement in the Selection Grade.

14. Lecturers in the existing Selection Grade of Rs.1200-1900 in engineering colleges and other institutions will be placed at the appropriate stage in the revised Selection Grade of Rs.3700-5700 in accordance with the pay fixation formula under this scheme. Existing lectures who have completed or will complete a total period of sixteen years of service on 1.1.1986 or thereafter will be eligible for placement in the Selection Grade. They will also be entitled to the relaxation in the years of service as provided in para 11 above.

15. For the purpose of placement of Lecturers in the Senior Scale and Selection Grade, the corresponding number of posts held by them will be upgraded. The placement shall be through a process of screening/selection.

16. The scheme of revised pay scales of Librarians and Directors/Instructors of Physical Education shall be in accordance with the rules and regulations applicable to those of Universities and Colleges. These are described in Annexure IV".

6. It has been informed that the claim of the applicant was considered along with others under the Merit Promotion Scheme but he was not found eligible


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due to shortfall in length of service as on 1.1.1987, i.e. the target date. Once the clarification was received on 1.1.1992, the claim of the applicant was again considered but he had not completed the eight years of service on 28.7.1987. Under the Dogra Committee's recommendations, for grant of the benefit of the Career Advancement Scheme, one condition was that Lecturer should participate in the two refresher courses or summer institute each of approximately four weeks duration and the applicant's eligibility will be examined in accordance with the requirements of completion of the refresher courses.

7. Once the applicant did not have the necessary number of years or in other words he falls short of length of the service upto the target date, we find no reason to accept the plea on its broad principle.

8. To that extent, the application must fail but his claim can be examined in accordance with the requirement of completion of refresher courses by the Selection Committee as has been mentioned by the respondents in the counter reply.

9. With these directions, the application is dismissed.


(S.A. Singh)
Member (A)


(V.S. Aggarwal)
Chairman

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