

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No.1909 of 2003

New Delhi, this the 11th day of July, 2006

HON'BLE MR. JUSTICE B. PANIGRAHI, CHAIRMAN
HON'BLE SMT. CHITRA CHOPRA, MEMBER (A)

1. Sh. Dinesh Dutt Sharma,
S/o Shri Ram Kishan Sharma,
R/o 38, Sharda Apptt.,
W. Enclave,
Pitampura,
Delhi-110034.
 2. Sh. Umed Singh Grewal,
S/o Shri Yad Ram Grewal,
R/o 1/3, Arya Bhatt Enclave,
Ashok Vihar, Phase-III,
Delhi.Applicants.
- (By Advocate : Shri V.K. Sharma for Shri Arun Bhardwaj)

VERSUS

1. Govt. of N.C.T. of Delhi,
through its Chief Secretary,
Players Bldg., I.P. Estate,
Delhi-110002.
 2. Director,
Directorate of Training & Technical Education,
C-Block, Vikas Bhawan,
I.P. Estate, New Delhi.
 3. Deputy Secretary,
Directorate of Training & Technical Education,
C-Block, Vikas Bhawan,
I.P. Estate, New Delhi.
 4. Joint Director,
Directorate of Training & Technical Education,
C-Block, Vikas Bhawan,
New Delhi.Respondents.
- (By Advocate : Shri S.Q. Kazim with Falak Mohd.)

ORDER (ORAL)

MR. JUSTICE B. PANIGRAHI, CHAIRMAN

Brief facts of the case leading to the present OA are as follows:

2. The applicants, two in number, were appointed as Workshop Instructors under the respondents. They continued to perform their duties honestly and sincerely. In the course of their employment, they acquired the higher

qualification, i.e., degree in Engineering (Mechanical). It is stated by the respondents that such higher degree was acquired by correspondence course. Be that as it may, the fact remains that they acquired higher degree in the course of their employment. The respondent No.1 constituted a High Power Committee under the chairmanship of Prof. Madan for restructuring of the Polytechnics. The Committee submitted its report on 21.10.1978. The suggestion of the Committee was to raise the minimum level of teachers to that of lecturers. The Committee recommendations were accepted by the respondent no.1 and it decided to implement the recommendations of the Committee. The suggestions of the Committee are quoted herein below:

“The existing staff which will be declared surplus by virtue of the implementation of the Madan Committee’s recommendations may be absorbed in the revised structure provided they fulfil the necessary prescribed qualification in the required post. However, the existing staff members who do not have the requisite qualifications for appointment in a particular grade should be given an opportunity to upgrade/improve their qualifications within a period of 8 years....”

3. About 87 posts of Junior Lecturers, Senior Drawing Instructors, Assistant Workshop Superintendents, Demonstrators, Survey Instructors, Drawing Instructors, Studio Assistants and Foreman Printer were abolished/ kept in abeyance and in lieu thereof, equal number of posts of Lecturers and officers were created. On 21.10.1978, the recommendations of the Madan Committee were received and on the basis of said recommendations, respondents have made provision for four Foreman Instructors of the level of Lecturers for handling practical classes. These Foreman Instructors would be expected to handle Lecturer classes also at Workshop Technology. The minimum qualifications for these Foreman Instructors should be the same as recommended in the case of Engineering Colleges.

4. The applicants were qualified to be appointed as Lecturers. They were already performing the same work as that of Lecturer for the past several years, in fact since 1988. The applicants were also taking theory classes as well as practical classes in Polytechnic and were doing the same work as was done by a Lecturer. The respondents were treating the applicants as Lecturers but without designating

them as such. In some cases, it is alleged by the applicants that even Senior Technical Assistants were upgraded as Lecturers in different streams. When the respondent-authority refused to designate the applicants as Lecturers, they filed a case before this Tribunal bearing OA No.544/1998 and this Tribunal vide order dated 28.9.2001, directed the respondents to review in detail the claim of the applicants after giving them a reasonable opportunity of hearing. Thereafter when the respondents failed to designate them as Lecturers and passed the impugned order denying their legal rights, they filed this OA for quashing of the aforesaid order dated 9.10.2002 and directing the respondents to designate them as Lecturers.

5. The respondents have filed their reply to the allegations made in the application but they stated, inter alia, that since some of the applicants were holding diploma in Engineering but not requisite degree, therefore, they could not be designated as Lecturers. They, however, stated that these applicants were diploma holder in Engineering with 11 years of experience and, therefore, they were promoted to the post of Foreman Instructors. They have stated that nature of duties of Foreman Instructor and Lecturer are totally different. For teaching posts, the qualifications laid down are higher than that of Foreman Instructors.

6. After elaborate hearing, the question was raised as to whether the applicants were performing the duties of the Lecturer or not and whether they were receiving the salary of the post of Lecturer or not? Therefore, the respondents were asked to state precisely whether the applicants were holding the degree in Engineering or not after they were appointed as Foreman Instructor. Applicant No.1 – Shri D.D. Sharma had, in fact, increased his qualification after he was appointed as Senior Technician (Automobile). From the fact situation, it emerged that the applicants were discharging the duties of the Lecturers and teaching and taking up classes in the Laboratory. As per the Madan Committee's Report, if any person was discharging the duties of the post of Lecturer having requisite qualifications, it was open to the respondents to consider to designate him as a Lecturer. Since the applicants' services were utilized for teaching the


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students, though in the Laboratory, and that service continued till their retirement, we do not have any difficulty in designating them as Lecturers. Learned counsel for respondents submitted that applicants if designated as Lecturers, there is an apprehension that the applicants may claim further remuneration. We find this apprehension to be baseless in this case as the applicants are drawing more salary than the Lecturer. No financial loss can occur to them. In that view of the matter,

we hereby direct the respondents to designate the applicants as Lecturers ^{from the} ^{date of their promotion} ~~retirement~~ to the posts of Foreman Instructors i.e 10.3.1993 and 7.4.1993 respectively.

7. With these observations, the present Original Application is disposed of.


No financial and pecuniary benefit will accrue to the applicants. There shall be no order as to costs.


(CHITRA CHOPRA)
MEMBER (A)


(B. PANIGRAHI)
CHAIRMAN

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Earlier order had been modified
by an order dated 15.2.2011 in
TRA 17/2010.


22.2.11