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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

R. A. No.263/2004 in O. A. No.2681/2003
with
R.A. No.277/2004 in O. A. No.3112/2003

New Delhi, this the 15th day of October, 2004

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. S.A. Singh, Member (A)

R.A.No.263/2004 in OA No.2681/2003

1. Ishwar Singh Chillor
R/o F-16, Milap Nagar, Uttam Nagar
New Delhi.
2. Smt. Phool Ahuja
R/o Q-47, Rajaori Garden
New Delhi.
3. R.S.Tanwar
R/o WZ 572, Nariana Village
New Delhi.
4. Gopal Dutta
R/o Sangal Appartment Flat No.86
Pocket 24, Sector 24, Rohini, New Delhi. ... Applicants

Versus

1. NCT of Delhi through
The Chief Secretary
New Sectt., New Delhi.
2. The Director
Directorate of Social Welfare
Govt. of NCT of Delhi
Kasturba Gandhi Marg, New Delhi.
3. The Joint Director
Department of Social Welfare
Govt. of NCT of Delhi
GLNS Building, Delhi Gate
New Delhi. ... Respondents

with

R.A.No.277/2004 in O.A.No.3112/2003:

1. Sudhir Kumar
S/o Lt. Sh. Patras
R/o 3380, Chischan Colony
Karol Bagh
New Delhi. ... Applicant

Versus

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1. NCT of Delhi through
The Chief Secretary
New Sectt., New Delhi.
2. The Director
Directorate of Social Welfare
Govt. of NCT of Delhi
Kasturba Gandhi Marg, New Delhi. ... Respondents

O R D E R (By Circulation)

By Mr. Justice V.S. Aggarwal:

By this common order, we propose to dispose of the above said two Review Applications.

2. Applicants had filed OA 2681/2003 and OA 3112/2003. By a common order, this Tribunal dismissed the same on 6.7.2004. The applicants seek review of the said order contending that they could not produce the Notification of 14.4.1988 and that the qualification of one being a Graduate, is not applicable to the applicants. We reproduce the relevant portion of the said Notification:

“PROMOTION: (1) Welfare Officer, Grade-II/Group Worker/Investigator/Prison Welfare Officer/Grade-II/Craft Instructor/B.A.B.T. Teacher/Probation Officer Grade-II in the pay scale of Rs.1400-2600 with 5 years regular service in the grade.

(2) Supervisor (Women)/Inspector (Nutrition)/Inspector (HWB) and Adult Education Teacher in the Scale of pay of Rs.1400-2300 with 5 years regular service in the grade, (only those officers will be eligible for promotion who are atleast graduate.

NOTE:- “Quota for promotion of each feeder cadre will be in proportion of their respective strength as on 1st January of the year in which vacancy arises.”

3. However, we have called for the original Gazette Notification which reads to the contrary:

“(1) Case Worker/Probation Officer Gr.II/Group Worker/Investigator/Prison Welfare Officer Grade-II/Craft Instructor/B.A.B.T. Teacher in the pay scale of Rs.1400-2600 with 5 years regular service in the grade.

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(2) Supervisor (Women)/Inspector (Nutrition) and Inspector (H.W.B.) in the scale of Rs.1400-2300 with 5 years regular service in the grade.

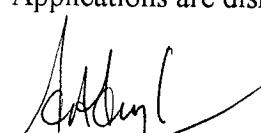
(Only those officers will be eligible for promotion who are at least graduate).

NOTE:- "Quota for promotion of each feeder cadre will be in proportion of their respective strength as on 1st January of the year in which vacancy arises."

This clearly shows that eligibility of Graduation is applicable in all cases and therefore, the very basis of seeking review loses its thrust.

It has further been pleaded that other similarly situated persons have been granted the pay scale and the benefit of Assured Career Progression Scheme should be granted at par with the ITI. We have no hesitation in rejecting the said contention because as noted in the main order pronounced, when the applicants do not possess the minimum educational qualification, which is necessary, the question of granting of ACP Scheme does not arise. On that count, parity with any other service will not be necessary. Even if any service is granted the benefit contrary to the Scheme, it will not confer a right on the applicants.

We find no ground to review the matter. Resultantly, both the Review Applications are dismissed by circulation.


(S.A.Singh)
Member (A)


(V.S.Agarwal)
Chairman

/NSN/