

GOVERNMENT OF NCT OF DELHI
DEPARTMENT OF TRAINING AND TECHNICAL EDUCATION
MUNI MAYA RAM MARG, PITAM PURA, DELHI

F.32 (34)/CC/Trg. Admn./2017/ *801*

Dated: *28/11/2018*

ORDER

An OA No. 3704/2017 was filed by Ms. Vaishali & Ors. Vs. GNCTD & Ors. in Hon'ble CAT. The relief sought in the OA is as under:

- (i) Quash and set aside order dated 16.09.2014 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 19.09.2017 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; and
- (iv) Pass any other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

This OA was disposed of by Hon'ble CAT vide order on dated 04.10.2018 in 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.*



Accordingly, the case of all the four Applicants namely, Ms. Vaishali, Ms. Pooja Gupta, Ms. Annu Dahuja & Mr. Manoj Sharma were examined with reference to their qualification vis-à-vis RRs/DGT guidelines of the post. The qualification mentioned in RRs involves academic qualification, technical qualification and experience. Individual cases are discussed as under:

1. **Ms. Vashali (Applicant No. 1) Trade-ID&D**

Hon'ble CAT agreed that the Department was right in dis-engaging the services of Ms. Vashali as she did not possess requisite qualification as laid down in RRs. As in present order of Hon'ble CAT at point no.7 it is stated that "*Undisputedly even the contract appointments have to be made in accordance with RRs*". However, the Hon'ble CAT was of the view that she possesses the requisite educational qualifications for the post of Craft Instructor (Draughtsman Civil), as prescribed in RRs and she may be considered for the same post.

On examination of records it is noticed that she possesses NTC in Draughtsman Civil Trade. She also possesses three years experience in relevant field. However, as per RRs of Craft Instructor, Draughtsman Civil (DMC), an Engineering Trade, the candidate must be 10th pass with Science + Mathematics also. She/he must possess NTC in the relevant trade with "Craft Instructor Training Certificate". She/he must have three years experience in teaching/working in relevant industrial unit/organization in relevant field.

2. **Ms. Pooja Dahuja (Applicant No. 2) Trade-ID&D**

Hon'ble CAT agreed that the Department was right in dis-engaging the services of Ms. Pooja Dahuja as she did not possess requisite qualification as laid down in RRs. As in present order of Hon'ble CAT at point no.7 it is stated that: "*Undisputedly even the contract appointments have to be made in accordance with RRs*". However, the Hon'ble CAT was of the view that she possesses the requisite educational qualifications for the post of Craft Instructor (Draughtsman Civil), as prescribed in RRs and she may be considered for the same post.

Her records reveal that she possesses NTC in Draughtsman Civil Trade. She also possesses four years experience in relevant field. However, as per RRs of CI. Draughtsman Civil (Engineering Trade), the candidate must be 10th pass with Science + Mathematics also. She/he must possess



NTC in the relevant trade with “Craft Instructor Trade Certificate”. She/he must have three years experience in teaching/working in relevant industrial unit/organization in relevant field.

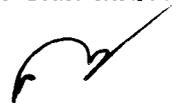
The Applicants No. 1 & 2 herein do not possess the qualification of “Craft Instructor Training Certificate” which is an essential qualification stipulated in RRs notified for the post. Accordingly, Applicants Nos. 1 & 2 cannot be considered for engagement to the post of Craft Instructor (DMC) on contractual basis as RRs cannot be violated, being Statutory Rules derived from Article 309 of the Constitution of India.

3. Ms. Annu Dahuja & Mr. Manoj Sharma (Applicants No. 3 & 4) Trade- CH& N

The notice dated 19/09/17 was regarding engagement of Craft Instructor on Part-Time (hourly basis). But the Applicants did not apply against the same. The Hon’ble CAT ordered that they shall be considered for re-engaging as Craft Instructor on contractual basis. Presently, there is no proposal under consideration of this department for engaging Craft Instructor on contractual basis. Further, Ms. Annu Dahuja & Mr. Manoj Sharma do not possess “Craft Instructor Training Certificate” which is prescribed as an essential qualification in the RRs notified for the post.

The Applicants Nos. 3 & 4 herein do not possess the qualification of “Craft Instructor Training Certificate” which is an essential qualification. Accordingly, they cannot be considered for engagement to the post of Craft Instructor [CH&NM] Trade (earlier CH&N) on contractual basis as RRs cannot be violated, being Statutory Rules derived from Article 309 of the Constitution of India.

Accordingly, in compliance of Hon’ble CAT order dated 04.10.18 in OA No. 3704/2007, the respondent no. 3 {Secretary, holding additional charge of that of Director (TTE), GNCTD} has duly considered candidature of all the four petitioners as per detailed discussion in the foregoing paras and it is clear that the petitioners do not possess the essential qualifications stipulated under RRs i.e. Craft Instructor Training Certificate. In addition, applicants Nos. 3 & 4 did not even apply against notice dated 19/09/17. Moreover there is no proposal under consideration of this department to engage any Craft Instructor on contractual basis and in any case all the applicants in OA No. 3704/2017 as detailed above do not possess the essential qualification of Craft Instructor Training Certificate as per RRs.



Accordingly, Ms. Vaishali, Ms. Pooja Gupta, Ms. Anu Dahuja & Mr. Manoj Sharma, petitioners in the OA No. 3704/2017 cannot be engaged as Craft Instructors on contractual basis.

This issues with the approval of Secretary (TTE), GNCTD.



(Amod Barthwal)
Administrative Officer (Trg.)

To

1. Ms. Vaishali
218, Masjid Moth, Near South Extension,
Part -II, New Delhi.
2. Ms. Pooja Gupta .
B-332, Ashok Nagar, Shahadra, Delhi-110093
3. Ms. Annu Dahuja ,
198/35, IInd Floor,
Street No. 5, Ramesh Market,
Garhi East of Kailash, Delhi.
4. Mr. Manoj Sharma .
T-232, Shivaji Nagar,
Street No. 7, Narela, Delhi-110040.

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Dated: 28/11/2018

Copy to:

1. Admn. Officer (Litigation), TTE (HQ) for information.
2. System Analyst, TTE (HQ), for uploading on the departmental web site.
3. Guard file.



(Amod Barthwal)
Administrative Officer (Trg.)