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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 7635/2015

DINA NATH KESHRI Petitioner
Through Mr. Sourabh Ahuja, Advocate.

versus

GNCT OF DELHI & ORS. Respondent
Through Ms. Mahua Kalra, Advocate for R-
1.
Mr. Anil Soni, Advocate for AICTE.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **11.02.2016**

The petitioner primarily is aggrieved by the directions given in paragraph 10 of the impugned order dated 20th April, 2015 passed in OA No.94/2014 by the Principal Bench of the Central Administrative Tribunal. In paragraph 9 of the same order, the Tribunal has held that the Screening Committee was not right in rejecting the plea of equivalence on the ground that the pay scale of the petitioner while he was working as a Lecturer in Padamshri Dr. Vithalrao Vikhe Patil Foundations Polytechnic, Ahmednagar, Maharashtra was Rs.2200-3700 and the pay scale of the petitioner

as Lecturer (Civil Engineering) in the Directorate of Training and Technical Education was Rs.2200-4000.

The earlier portion of the order would indicate that the Tribunal has stated that equivalence is not to be judged solely on the basis of equal pay, but there are several other determining factors viz. nature of duties, responsibilities, minimum qualification, experience etc. It is in these circumstances, directions were given in paragraph 10 after taking note of the submission of the respondent that a fresh Screening Committee had been constituted to look into the matter. The Tribunal had also directed that the said exercise will be completed within a period of 8 weeks.

By order dated 12th August, 2015, respondents were asked to inform whether the Screening Committee has considered the case of the petitioner and in case any order stands passed, the same should be brought to the notice of the Court on the next date of hearing.

Learned counsel for the respondent has stated that an order dated 16th July, 2015 has been passed by the Screening Committee.

Learned counsel for the petitioner submits that he has not received copy of the said order. Copy of the said order will be sent to the petitioner by registered post within 3 days from the date of this order.

The petitioner, if aggrieved, will be entitled to challenge the said order in accordance with law.

Keeping in view the factual background of the present case, we do not think that we should interfere with the impugned order. At best, the petitioner can urge that an order of remand to the Tribunal should be passed to examine the question of equivalence. As the Screening Committee has passed an order, it would be appropriate and desirable to allow the petitioner to file a fresh original application, if he is aggrieved.

With the aforesaid observations, the writ petition is disposed of.

SANJIV KHANNA, J.

ASHUTOSH KUMAR, J.

FEBRUARY 11, 2016
NA