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

+ **W.P.(C) 5584/2017**

SANJAY KUMAR & ORS

..... Petitioners

Through: Mr.Ashish Nischal with Mr.I.J. Singh
& Mr.Arun Nischal, Advocates.

versus

UNION OF INDIA & ANR

..... Respondents

Through: Mr.Ravi Prakash, CGSC for UOI.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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13.07.2017

The petitioners have assailed the order dated 08.08.2016 passed by the Central Administrative Tribunal, Principal Bench, New Delhi vide which the petitioners' OA No.3793/2012 which has been dismissed by the Tribunal.

The petitioners who are working as Civilian Education Instructors of the Indian Air Force are seeking parity with the Civilian Education Instructors of the Indian Navy or in the alternative with the Trained Graduate Teachers. The Tribunal rejected the said claim on a comparison of the requirements of educational qualifications and the scope of responsibilities and duties attached to the said posts. The relevant extract of the impugned order reads as follows:-

“6. It is stated that thereafter, the Navy Civilian Education Instructors were granted the above pay scale, whereas in regard to Air Force Civilian Education Instructors, it was rejected vide impugned order dated 10.02.2012. One of the factors for rejection was that the cadre structure in the Indian Air Force is totally different, viz. Civilian Education Instructor; promotional post Junior Translator (Hindi), further promotional post Senior Translator (Hindi) and finally Assistant Director (Official Language). It is further stated that in the order dated 10.02.2012, the decision was to have a cadre review of the Hindi Section in the Indian Air Force, which was never undertaken.

7. The respondents in their reply have stated that the cadres in the Navy and in the Air Force are completely different. Moreover, the nature of job and duties are also not the same and, in this regard, they have enclosed Annexures R/3 and R/4, which clearly shows that the nature of duties is different. The charter of duties in respect of the Civilian Education Instructor in Navy is as follows:

“(a) To perform the instructional duties apart from being given the status of senior CEI for supervising the work of other CEIs junior to them.

(b) Be given relatively higher responsibility of being in-charge of sections eg. Training Design, Examinations, Performance Evaluation, Training Co-ordination, Text Books and Resource Material, Libraries etc. as hitherto.

(c) xxx xxx xxx

(d) Any other CEO work assigned.”

whereas the charter of duties in respect of the Civilian Education Instructor in Indian Air Force is as follows:

“(a) Organise Hindi classes to impart knowledge of Hindi provision and scope of scheme for teaching Hindi.

(b) Deal with correspondence relating to scheme for teaching Hindi and matters relating to grant of exemption Hindi qualified personnel.

(c) Procure and distribute text books for Hindi training.

(d) Deal with matters relating to incentives on passing Hindi examination.

(e) Keep statistics of personnel who have been trained in Hindi/to be trained in Hindi.

(f) Prepare periodic returns relating to Hindi training.

(g) Assist Senior Education Officer/Officer-in-Charge Education in work connected with Hindi training.

(h) Any other task relating to propagation of Hindi assigned by superior.”

8. In fact, the applicants themselves in their rejoinder in para 4.5-4.6 have placed a chart, which we reproduce below:

Sl. No.	Name of the post	Educational Qualification at the time of recruitment	Subject required to be taught	Charter of duties
1	Civilian Education Instructor in IAF	Graduation (Hindi as compulsory Subject) and Degree or Diploma in Teaching	Hindi	Impart the knowledge of Hindi under the provision and scope of Hindi Teaching Scheme to IAF Officer/Airmen
2	Civilian Education Instructor of Indian Navy	Graduation (English/Science/Mathematics as compulsory Subject as the case may be) and Degree or Diploma in Teaching	English or Science or Mathematics	Teaching English/Science/Mathematics to ab-initio trainees

This also shows that the two are not comparable at all.”

Learned counsel for the petitioners submits that the Tribunal has not considered the issue of parity between the petitioners and the TGTs. It appears from the record that the petitioners neither pressed this claim before the Tribunal nor placed any material to show their identity of responsibilities and hierarchy with the TGTs.

In these circumstances, there is no merit in this petition and the same is hereby dismissed.

VIPIN SANGHI, J

REKHA PALLI, J

JULY 13, 2017
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