



2025:DHC:6735-DB



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

Date of decision: 11.08.2025

+ W.P.(C) 11725/2025
GOVT OF NCT OF DELHI AND ORS.Petitioners
Through: Ms.Latika Choudhury, Adv.
with Mr.B.S. Rawat, DTTE
versus

DR OM PRAKASH AND ORS.Respondents
Through: Mr.Kirtiman Singh, Sr. Adv.
with Ms.Esha Mazumdar and
Mr.Setu Niket, Advs.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

CAV 300/2025

1. The respondents have entered appearance in the instant matter.
2. Accordingly, the Caveat stands discharged.

CM APPL. 48003/2025 (Exemption)

3. Allowed, subject to all just exceptions.

W.P.(C) 11725/2025 & CM APPL. 48002/2025

4. This petition has been filed challenging the Order dated 17.12.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as 'Tribunal') in O.A. no.1151/2023, titled *Dr. Om Prakash & Ors. v. Govt. of NCT of Delhi & Ors.*, allowing the said OA filed by the respondent nos.1 to 6,



with the following directions:

“7. CONCLUSION :

7.1. In view of the above analysis, we allow the present O.A.s and quash and set aside the office order dated 20.05.2022. Accordingly, we issue a common direction to the respondents in both the O.A.s that they shall grant the benefit of AGP of Rs. 10000 in pay band - 4 to the applicants from their due date in a time bound manner and also in accordance with AICTE Regulations and clarifications in vogue on the date of eligibility. Consequential benefits in accordance with the rules shall also flow to the applicants.”

5. To give a brief background of the facts in which the present petition arises, the respondent nos.1 to 6 were working as Lecturer (Selection Grade) Stage 4 in Pay Band-4 in the Pay Scale of Rs.37,400-67,000 plus Academic Grade Pay (in short, ‘AGP’) of Rs.9,000/- with effect from different dates starting from 01.01.2006 till 04.04.2013. On acceptance of the recommendation of the 6th Central Pay Commission (CPC), the All India Council for Technical Education (in short, ‘AICTE’), that is, the respondent no.7 herein issued a Notification dated 05.03.2010, titled Pay Scales, Service Conditions and Qualifications for the Teachers and other Academic Staff on Technical Institutions (Diploma) Regulations, 2010 (hereinafter referred to as the ‘AICTE Regulations, 2010’) *inter alia* providing for grant of Career Advancement Scheme (in short, ‘CAS’) to Head of Departments (HODs) completing three years of service in the AGP of Rs.9,000/- and possessing a Ph.D. Degree in the relevant discipline. This was, by a Notification dated 04.01.2016, titled the All India Council for Technical Education (clarification on certain



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issues/anomalies pertaining to Qualification, Pay Scales, Service Conditions, Career Advancement Schemes (CAS) etc. for Teachers and other Academic Staff of Technical Institutions (Degree/Diploma) 2016 (hereinafter referred to as the 'Notification dated 04.01.2016') extended to the Lecturer (Selection Grade), who have Ph.D. qualification. In the Notification dated 04.01.2016, it was further provided that the criteria of API for Grade Pay of Rs.10,000/- may be considered for all eligible candidates, and that the eligible candidates shall be entitled to the same fixed from the date not before the publication of the AICTE Regulations, 2012 in Official Gazette.

6. The AICTE Regulations, 2012 had been notified on 08.11.2012, and had provided for a Screening-cum-Evaluation Committee for CAS promotions of Lecturer/Lecturer (Senior Scale) from one AGP to the other higher AGP. It had further provided that such Screening/Selection process should be completed within six months from the date of application.

7. On basis of the approval of the above Notification dated 04.01.2016 by the Cabinet of Govt. of NCT of Delhi on 16.06.2016, the Govt. of NCT of Delhi issued formal orders for implementing the same. Communication was issued to all Diploma Institutions under its control requesting them to forward the applications of eligible Lecturers for placement under CAS in various AGPs, including AGP of Rs.10,000/- (Stage-5), on 03.08.2016. The Screening-cum-Evaluation process, however, hit a stumbling block when in O.A. No.3545/2017 and O.A. No.4128/2017, the process was stayed by the



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10. The petitioners, placing reliance on Clause 1.4 (d) and (f) of the AICTE Notification dated 01.03.2019, claim that with the same coming into force, and as the process of grant of AGP of Rs.10,000/- to respondent nos.1 to 6 had not been completed till that date, the respondent nos.1 to 6 will not be entitled for the AGP of Rs.10,000/-. The petitioners sought clarification in this regard from the AICTE, which they claim did not come. However, during the course of hearing, the learned counsel for the petitioners has handed over a Communication dated 04.07.2022, which reads as under:

***“Dr. Ramesh Unnikrishnan
Advisor (P&AP)***

*F.No.27/P&AP/PAY/01/2022 23/21 (June)
04.07.2022*

To

*Sh. Harnamo Ram,
Deputy Director (Establishment I Branch),
Government of NCT of Delhi,
Directorate of Training and Technical
Education,
Muni Maya Ram Marg, Delhi -110088*

*Sub.: Clarification regarding grant of CAS Stage 5
(AGP 10,000 pre-revised) to Diploma Level
Lecturers. reg.*

Sir,

*Please refer to your letter no.
F.1/1077/2017/TE/AD/1370/2476 dated 06.05.2022
on the subject noted above.*

*In this connection, you are informed that
there is no provision for CAS promotion under 7th
CPC and therefore the question of Lecturers
becoming eligible for the same does not arise and no
CAS promotion can be granted after 1st March 2019,
the date on which 7th CPC Gazette Notification has
come into effect. Similarly, the Lecturers who have*



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already opted to draw their pay and allowances as per 7th CPC cannot be granted CAS promotion in AGP of Rs.10000/- under 6th CPC. As regards the promotional avenue for Lecturers having Ph.D. after getting AGP of Rs.9000, no clarification in this regard is required to be given by the Council, since the 7th CPC Gazette Notification dated 1st March 2019 is self-examined and self-explanatory.

This issues with the approval of Competent Authority.”

11. The learned senior counsel for the respondent nos.1 to 6, who appears on advance notice, however, submits that by subsequent Clarification dated 04.12.2023, AICTE has clarified that the issue raised by the petitioners would be governed by Clause 1.4 (a), (b) and (c) which are self-explanatory. He further submits that as late as 10.03.2025, the AICTE has advised that the option for promotion under the CAS shall stand extended till 31.12.2024, and all benefits of promotion for eligible candidates shall be granted retrospectively from the date they became eligible.

12. We have considered the submissions made by the learned counsels for the parties.

13. The issue of application of the Regulation dated 01.03.2019 to the respondent nos.1 to 6, who admittedly were eligible for the grant of AGP of Rs.10,000/- and had also been subjected to the Screening Committee prior to the notification of the same, would be governed by Clause 1.4 of the Notification dated 01.03.2019.

14. We have already noted hereinabove that in terms of the Clause 1.3 of the Notification dated 01.03.2019, the same is to come into effect only from 01.01.2016.



15. Clause 1.4 explains the transition period as under:

“1.4 Effective date of application of Service Conditions

a) All other service conditions including Qualifications, Experience, Recruitment, Promotions etc. shall come into force with effect from the date of this Gazette Notification.

b) The Qualifications, Experience, Recruitment and Promotions etc. during 01-01-2016 till the issue of this Gazette Notification shall be governed by All India Council for Technical Education Pay Scales, Service Conditions and Qualifications for the Teachers and other Academic Staff in Technical Institutions (Diploma) Regulation, 2010 dated 5th March 2010 and subsequent notifications issued from time to time.

c) Those who are eligible for promotions after the date of publication of this gazette, shall have to meet the necessary conditions such as additional qualification, undergoing industrial training, pedagogical training, faculty induction program, publishing research papers etc. However, these requirements shall be permitted to be fulfilled till 31st July, 2022 so as to enable faculty members in equipping them for requisite mandatory requirements of this gazette to avail the benefit of promotion retrospectively from the date of eligibility.

d) It may be noted that no further extension would be given beyond 31st July, 2022 and those who do not meet the essential criteria despite the above grace period, shall lose an opportunity for getting promotion retrospectively. However, they will be eligible for promotion from the date they meet these criteria thereafter.

e) In cases, wherein interviews are already conducted either for direct recruitment or for promotions but candidates did not join, such candidates may be allowed to join. Their further up-gradation will be governed by this notification.

f) In cases, where advertisement was published,

