

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

OA NO.1762/91

DATE OF DECISION: 9.1.1992.

SHRI SHASHI KANT

...APPLICANT

VERSUS

GENERAL MANAGER, NORTHERN RLY ... RESPONDENTS
& ANR.

CORAM:

THE HON'BLE MR. I.K. RASGOTRA, MEMBER (A)

THE HON'BLE MR. J.P. SHARMA, MEMBER (J)

FOR THE APPLICANT SHRI AJIT PUDDISERRY, COUNSEL

FOR THE RESPONDENTS SHRI P.S. MAHENDRU, COUNSEL

JUDGEMENT (ORAL)

(DELIVERED BY HON'BLE MR. I.K. RASGOTRA, MEMBER (A))

The facts of the case are that the applicant applied for the post of Apprentice Fireman 'A'/Diesel Assistant/Electrical Assistant (Rs.950-1500) against the Railway Recruitment Board's advertisement issued in the Employment News for the period 12-18 May, 1990. The date of issue of the advertisement was 12.5.1990 and the closing was 11.06.1990. The minimum qualification for the post laid down in the advertisement under category No.24 are Matriculation or equivalent or 10th Class pass under 10+2 scheme with I.T.I trade in Fitter/Machinist/Electrician/Instrument Mechanic etc. The applicant was selected by the Railway Recruitment Board and placed on the panel. He was advised by the Railway Recruitment Board, Chandigarh on 1.4.1991 that his name has been placed on the panel of provisionally selected candidates and that his name has been forwarded to D.R.M, Northern Railway, New Delhi for sending him offer of appointment after completion of other requisite formalities. The offer of appointment however never followed. His representation apparently

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remained unanswered. According to the respondents the applicant was not possessing the essential minimum qualifications, as he did not have I.T.I. trade certificate, as instead of the I.T.I. trade certificate in the requisite skill he had undergone training at the training centre of The National Small Industries Corporation Limited. It was in these circumstances that no letter of appointment was issued.

The respondents, however, have requested the National Council for Training and Vocational Trade in the Ministry of Labour to advise if the National Small Industries Corporation training can be equated with the I.T.I. trade. There is, however, no reply so far to the said reference. The respondents further referred us to the copy of the letter dated 6.6.1990 which specifically provides for the minimum essential qualifications for the said category.

The learned counsel for the applicant, however, pointed out that the minimum qualifications given in the advertisement are in conflict with the provisions made in paragraph 136 of the Indian Railway Establishment Manual.

We have considered the rival contentions. We are inclined to agree with the learned counsel for the respondents that the matter is pre-mature at this stage and the applicant should have waited for an answer to his representation. We are, further of the view that the applicant cannot wait indefinitely for a reply from the respondents, as he has to look for alternative means before he becomes over-age for the Government Service.

Keeping in view all the facts of the case, we direct the respondents to settle the matter with the Secretary, National Council for Training and Vocational Trade within 8 weeks from the date of

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communication of this order. In case the training received by the applicant is equated with the I.T.I. trade, he should be given the letter of appointment within 4 weeks thereafter.

The O.A. is disposed of with the above directions.

J.P. Sharma
(J.P. SHARMA)
MEMBER(J)

I.K. Rasgotra
(I.K. RASGOTRA)
MEMBER(A)

January 9, 1992.