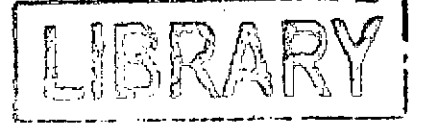


CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH  
KOLKATA



OA. 350/00243/2017

Date of order 19.03.2021

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member  
: Hon'ble Dr. Nandita Chatterjee, Administrative Member

1. Mrinal Kanti Mondal, son of Late Bimal Kanti Mondal, of 74/1, Kalibari Girls School Road, New Barrackpore, Kolkata-700131 District-24 Parganas (North).

.....Applicant

-versus-

1. Union of India, service through the Secretary, Department of Electronics & Information Technology, Ministry of Communication & Information, Electronics Niketan 6, CGO Complex Lodhi Road, New Delhi-110003.
2. The Director General (STQC), Department of Electronics & Information Technology, Ministry of Communication & Information Technology, Government of India, Electronics Niketan 6, CGO Complex Lodhi Road, New Delhi-110003.
3. The Deputy Director, (STQC) Electronics Niketan, 6, CGO Complex, Lodhi Road, New Delhi- 110003.
4. The Director, Electronics Regional Test Laboratory (EAST), having his office at

Block-DN, Sector-V, Salt Lake City,  
Kolkata-700091.

.....Respondents.



For the Applicant : Mr. C. Sinha, Counsel  
Ms. S. Bose Thakur, Counsel

For the Respondents : Mr. B.P. Manna, Counsel

O R D E R (Oral)

Per Ms. Bidisha Banerjee, JM:

Heard both parties.

1. The applicant in this OA has sought for the following reliefs :
  - "8(a) A direction upon the Respondent Authorities to issue Departmental Time Bound Promotion as per Recruitment Rules since 1996 in favour of the Applicant.
  - (b) A direction upon the Respondent Authorities to issue requisite benefits for acquiring additional qualification in favour of the Applicant.
  - (c) A direction upon the Respondent Authorities to consider the representation dated 16.02.2017 and issue Departmental Time Bound Promotion as per Recruitment Rules.
  - (d) Any other or further relief or reliefs which may be deemed fit and proper."

2. The brief facts of the case is that the applicant was appointed as a peon cum chowkidar in the Electronics Regional Test Laboratory (EAST) in the year 1981. He was promoted to Xerox cum Radio Operator in the year 1984. He was directly recruited as Tradesman (B) in the year 1992 after direct recruitment under Tradesman category. He was promoted to the post of Tradesman (C) in the year 1996. He had obtained additional qualification of Generator Operator from George Telegraph Training Institute, Kolkata in the year 1989 and had already submitted said certificate before the Respondent Authorities but the same was not



accepted for want of recognition of the Government. The applicant had pursued the said course and performed his duties in night shift and completed the said course in Radio, TV Repair and Maintenance from La Martiniere SEOMP Society under West Bengal State Council of Technical Education in the year 2009. In his department, promotion is normally due after every three years as per recruitment rules but after 1996 no promotion was granted in favour of the applicant. Aggrieved, he has come up with this O.A.

3. Per contra, the respondents would claim as under as in their communication dated 12.07.2017:-

"To,

Senior Director,  
ERTL(E),  
Kolkata.

Subject: **O.A. No. 350/243/2017 filed by Shri Mrinal Kanti Mondal Ex- T/M 'D' regarding promotion - comments regarding representation of Shri Mondel dated 15.02.2017 regarding.**

\*\*\*\*\*

Sir,

The reference is directed to ERTL's communication/ mail dated 10.07.2017 forwarding therewith representation of Shri Mrinal Kanti Mondel, Ex T/M D dated 15.02.2017 before retirement.

2. In this regard, Shri Mondal has represented in the said communication that he has not been given promotion since 1996 and thereafter despite having requisite qualification. In this regard, the following facts relating to the case (as communicated by ERTL(E) earlier) are required to be submitted before Hon'ble CAT in consultation with Government Counsel with regard to his representation for not giving promotion:-

- i) He joined as Peon -com-Chowkidar (non S&T) on 24.12.1981 and then recruited to the post of Xerox Operator on 01.11.1983.
- ii) Shri Mondal was again recruited to the post of Tradesman "B" on acquiring a tech. qualification of "Generator Operator" on 06.04.1992 and promoted to the post of Tradesman 'C' on 01.10.1996.
- iii) Thereafter, it was noticed that the qualification acquired by him is not equivalent to ITI and he was not considered for further promotion.

B

- iv) He acquired a qualification of Radio/TV repair and maintenance. Since the duration of the course was not equivalent to ITI, it was not considered for considering him for further promotion;
- v) As regards Shri Avijit Roy, he was recruited to the post of Tradesman 'B' in the year 1992 i.e. two years after the recruitment of Shri Mondal and was promoted to the post of Tradesman 'F'. Thereafter, it was noticed that the qualification of Shri Roy is not equivalent to ITI. Thus, he was not considered for further promotion thereafter.
- vi) Despite his recruitment / earlier promotion with having not requisite qualification i.e. not equivalent to ITI, based on the recommendations of ERTL(E), a proposal was sent to Pers. Division, Meity, which is the nodal Ministry for taking any decision on the said Below Group 'A' S&T policy for sympathetically considering his case keeping in view his retirement in 2017. After getting requisite approval from Pers. Division, Meity, he was considered and promoted as Tradesman "D" before his retirement.

xxx

xxx

xxx

*This issues with the approval of DG (STQC).*

*Sd/ 12.7.17  
(Vimla Sharma)  
Deputy Director"*

4. The applicant responded by way of a rejoinder that the query with the George Telegraph Training Institute on 21.03.2005 was raised after a lapse of a period of 13 years from the date of appointment of applicant. In the meantime he was given promotion only once, in the year 1996 from the category of Tradesman 'B' to Tradesman 'C'. Thereafter he was not given even the periodical promotion, in any manner which clearly shows discrimination meted out to him. The respondent authorities vide their notice being No. ERTL€/Admn/173-A/VII/1624 dated 7<sup>th</sup> March asked the applicant to appear before the Review Promotion Committee on 9<sup>th</sup> March, 2002 to consider the promotion cases of below Gr "A" level Non Gazetted S & T Personnel who are due for review promotion w.e.f. 01.10.2001 (Annexure A-5). That one Avijit Roy

did not take any permission from the respondents for pursuing Diploma Course in Computer Office Management from IGNOU, but the respondents did not raise any question about it.



5. Learned counsels were heard and records perused.
6. The personnel Policy and Practices dated 01.10.1984, for S & T officers/staff below Group 'A' level is noted. The aforesaid policy nowhere restricts consideration for promotion of a Tradesman 'B' promoted to Tradesman 'C' further beyond Tradesman 'C'. The policy spells out in no uncertain terms the following :-

*Note : 9 :- The ceiling upto which a Tradesman recruited initially with the qualification of Matric/equivalent + ITI certificate, or Non-Matric/equivalent (i.e. VIII standard) + ITI certificate can be considered for promotion will be the grade of Tradesman 'F' (Rs.550-900). For promotion beyond this grade, the official must fulfil the basic educational qualifications prescribed for those grade.*

The following provision is also noted:

*"3. Consideration of additional qualification acquired while in service.*

*Attention is invited to paragraph 6.1 of the O.M. dated 18.07.1983 on the subject, referred to above. The following procedure shall be adopted to this regard :-*

- (a) *The Scientific Technical employees, who acquire additional qualifications while in service, may be considered for the post for which they are eligible as per norms prescribed for direct recruit. However, if the concerned employee requests in writing,*

*RB*

*well in advance, that he be considered for a lower grade than what he is eligible as per norms, he may be considered for that grade. He will not then be entitled to claim any reconsideration.*



The respondents would emphatically admit that his qualification "is not equivalent to or at par with the ITI as per the Below group 'A' S&T Policy of erstwhile DoE (Meity) in respect of S&T officials, considering his recruitment to the S&T category in the year, 1996." Therefore presumably the applicant possessed the entry qualification as was required in DoE (Meity). However, later on he was not considered for further promotion as the qualification acquired by him was not equivalent to III required as per the Below Group 'A' Policy of DoE (Meity).

That "The course of Radio, TV repair and Maintenance was his additional qualification which he had completed without the permission of the Competent Authority" and that the "certificate of the George Telegraph Institute WBSCTE" is recognisable as an additional qualification.

7. That in terms of the policy of 1984,

*"(b) While the acquisition of an additional qualification will make an employee eligible for consideration for the appropriate post, it will not ipso facto make him eligible to be placed in the higher grade. The candidate's suitability will be assessed with reference to his Confidential record; a test of skill where prescribed, and interview."*

Further, in regard to "Equating qualifications to ITI courses" it has been clearly spell out that,

*"4.1 In respect of trades for which ITI courses are not available qualifications will be treated as equivalent to Matric*

*ITI if allof the following conditions are satisfied :*

- (a) The certificate in question is awarded by the Director General of Technical Education of the Central/State Government.*
- (b) SSC is prescribed as minimum educational qualification required for the said certificate.*

13



- (c) *There is formal training for a period not less than 18 months, or the appropriate authority of Central or State Government has issued formal orders declaring the work experience as equivalent to the formal training, such experience being not less than 18 months.*
- (d) *The appropriate Central/State Government authority equates the certificate as equivalent to Matric ITI.*

*4.2 In respect of trades for which ITI courses are not available qualifications will be treated as equivalent to Non-Matric ITI if all the following conditions are satisfied :*

- (a) *The certificate in question is awarded by the Director General of Technical Education of the Central or State Government.*
- (b) *VIII Standard is prescribed as the minimum qualification for the course.*
- (c) *The formal training is for a period of not less than 12 months or the work experience is equated, by the formal orders of appropriate authority of the State or Central Government, as equivalent to the formal training, such experience being not less than 12 months and*
- (d) *The appropriate Central/State Government authority equates the certificate to Non-Matric ITI.*

In view of the position above, the authorities should ascertain whether the certificate of George Telegraph, on the basis of which the applicant was recruited, is equivalent to ITI or whether Generator Mechanic is offered a regular ITI course, if not, whether the certificate was granted by the competent authority, so as to entitle consideration in the light of 4.1 and 4.2 above. They have only tried but failed to ascertain equivalence of certificate of ERTL(E) with ITI but not the initial certificate from George Telegraph.

8. Therefore, in the interest of justice, the respondents are directed to reconsider the applicant's grievance in the light of their policy supra and issue necessary orders within one month from the date of receipt of copy of this order.



9. Accordingly O.A. stands disposed of. No costs.

( Nandita Chatterjee )  
Member (A)

(Bidisha Banerjee)  
Member (J)

Mks