

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH**

**O.A.No 508/90
T.A.No.**

Date of Decision :12 -1-1999

All India Railway Employees Confederation : Petitioners

Mr.R.R.Tripathy : Advocate for the petitioner

Versus

Union of India & Ors. Respondents

Mr.N.S.Shevde Advocate for the Respondent

CORAM

The Hon'ble Mr. V.Radhakrishnan : Member(A)

The Hon'ble Mr. P.C.Kannan : Member(J)

JUDGMENT

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgment?
4. Whether it needs to be circulated to other Benches of the Tribunal?

1. All India Railway Employees' Confederation.
Through its Assistant Joint Secretary,
Shri G.B.Mistry,
2. Shri Safiullah S.
3. Shri Ravinder Singh Chauhan
4. Shri Prem Prakash
5. Shri Jaisingh
6. Shri Daud Bhai H.
7. Shri Arjunbhai Manaria
8. Shri Subash Chand
9. Shri Mulchand Hiralal
10. Shri Hari Prakash D
11. Shri Subedar Singh C
12. Shri Ram Anugradh Mishra
13. Daya Ram P.Meena

: Applicants

All : C/O.Diesel Foreman
Diesel Shed,
Gandhidham
Kutch-340 201.

(Advocate: Mr.R.R.Tripathy)

Versus

1. Union of India,
(notice to be served through the
General Manager, Western Railway,
Churchgate, Bombay.)
2. Divisional Railway Manager (Estt.)
Western Railway, Ajmer Division
Ajmer.

(Advocate: Mr.N.S.Shevde)

ORDER
OA NO.508/90

Date: 12-1-1999

Per: Hon'ble Mr.V.Radhakrishnan : Member(A)

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This is an application filed by the applicants – All India Railway Employees' Confederation on behalf of 11 of its members. They contend that they are having the qualification of Matriculation and I.T.I. certificate

and working as Khalasis since 1979 and they are entitled for the promotion of skilled artisans. For promotion of serving qualified employees 25% posts of skilled artisans is reserved. In 1988 Respondent No.2 advertised for filing in 11 posts of skilled artisans(Diesel Mechanic) as at Annexure III. This is based on the headquarters, Western Railway Circular dated 8/25.4.88 (Annexure A-2) in which it is mentioned that the zone of consideration from serving for filling up 25% of quota from semi skilled and unskilled staff, the educational will be as laid down in the Apprentice Act. They have contended that the four applicants applied for the test and passed the written test and also were called for the oral interview but the result was published (Annexure A-5) the applicants were not selected wherein. The applicants contend that the select list published as at Annexure A-5 consists of certain persons who do not possess requisite qualification for being called for the selection test and also they are junior to the applicants. The persons selected do not have neither matriculation nor I.T.I certificate qualification. It is contended that only ITI certificate holders were selected in the panel. They allege that the select lists were published arbitrarily after taking into account the qualification and experience of the applicants. It is the contention of the applicants that if the unqualified persons had not been selected they would have come within the zone of select list. Accordingly, they have prayed for the following reliefs:-

- “(1) To quash and set aside the impugned select list at Annexure A-5, as illegal, unconstitutional, null, void, without jurisdiction and of no effect whatsoever.
- “(2) To direct the respondent authorities to consider the case of the Three persons whose names are mentioned in Annexure A-1 for selection for appointment to the post of artisan and give them appointment to the said post.
- “(3) To grant any other appropriate relief/s deemed just and proper by the Hon’ble Tribunal.”

[Signature]

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In the reply filed by the respondents, they have contested the claim of the applicants. They have stated that even though the applicants passed the written test, they have failed in the viva-voce test and hence not selected in the panel. They also state that as they had appeared and failed in the test, they cannot question the selection after it is announced. They have stated that the Selection Committee have taken into account the professional ability, experience and other relevant factors and given proper weightage to all of them. Accordingly, they have prayed for rejection of the application

After hearing both the learned counsels, the respondents were directed to file an affidavit regarding the educational qualification possessed by each of the selected candidates. The respondents have filed affidavit giving the qualifications of all 11 candidates selected, which reads as follows:-

<u>Sr.No.</u>	<u>Name</u>	<u>Qualification:</u>
1.	Sh.Ravinder Singh Chauhan	Higher Secondary & ITI
2.	Sh.Prem Prakash	Secondary
3.	Sh.Jai Singh	Secondary
4.	Sh.Daud Bhai H.	SSC
5.	Sh.Arjunlal	Secondary
6.	Sh.Subash Chand	SSC
7	Sh.Mool Chand H	9 th and App.Act.
8.	Sh. Hari Prakash D	Higher Secondary& App.Act.
9.	Sh.Subedar Singh C	9 th
10.	Sh.Ram Anugrah Mishra	Higher Secondary
11.	Sh.Daya Ram P.Meena	9 th "

Mr.Tripathi, learned counsel for the applicants during the discussions contended that as per the Apprentice Act, the persons who selected to the

semi artisans should possess of minimum qualifications and matriculation/ITI certificates. Accordingly, the relevant rules were examined. It is seen that para-3 of the Apprentice Rules 1952 the standard of education is given as follows:-

“3. Standard of education:- (1) A person shall be eligible for being engaged as (a trade apprentice) if he satisfies the minimum educational qualifications (specified) in Schedule I.”

After going through the schedule-I, we find that for the post of Mechanic (Diesel), minimum qualification prescribed is passed in VIII class examination or equivalent. As per notification dated 14.7.1998 (Annexure A-3) issued for filling up the post of skilled artisans against 25% direct ranker quota the employee can apply for the post of skilled artisans (direct ranker quota) who possess the educational qualification as prescribed under the Apprentices Act. The relevant persons selected possess different qualifications i.e., pass in VIII standard. Accordingly, it is seen that all the selected persons who were ranked as per the statement of the respondents and as per the marks obtained by them in their passing test and they possess minimum qualifications prescribed under the Apprentices Act and there was nothing irregular in those being called to appear for the selection test. Accordingly, we find no irregularity of the respondents in selecting the relevant candidates. In so far as the allegation that they do not possess minimum qualifications for being called for test concerned, we find no basis in the same and for setting aside the selection. Accordingly, we dismiss the OA. No costs.

Dra

(P.C.Kannan)
Member(J)

V.R

(V.Radhakrishnan)
Member(A)