

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 425 OF 2010

Wednesday, this the 4th day of May 2011

CORAM:

**HON'BLE Ms. K. NOORJEHAN, ADMINISTRATIVE MEMBER
HON'BLE Dr. K. B. SURESH, JUDICIAL MEMBER**

- 1 V.P. Mohammed Mustafa
Instructor (Mechanic Diesel)
Dr. B.R. Ambedkar I.T.I., Kavaratti.
- 2 K.P. Kunhikoya
Instructor (Carpenter)
Dr. B.R. Ambedkar I.T.I., Kavaratti.
- 3 D.A. Sadiq Ali
Instructor, Workshop Cal. & Sc. (Engg. Drg.)
Dr. B.R. Ambedkar I.T.I., Kavaratti.
- 4 C.M. Pookunhikoya
Instructor (Stenography)
Dr. B.R. Ambedkar I.T.I., Kavaratti. - Applicants

(By Advocate M/s. Youseff & Aysha)

Versus

- 1 Union Territory of Lakshadweep
Represented by its Administrator
Kavaratti.
- 2 Commissioner & Secretary
Department of Labour & Employment
Union Territory of Lakshadweep
Kavaratti – 682 555.
- 3 The Director General of Employment & Training
Government of India, Ministry of Labour
Shram Shakti Bhavan, New Delhi – 1
- 4 Union of India, represented by
The Secretary, Ministry of Labour
New Delhi – 110 001.

5 The Principal
 Dr. B.R. Ambedkar Industrial Training Institute
 Kavaratti. - Respondents

(By Advocate Mr. S. Radhakrishnan for R-1, 2&5)
 (By Advocate Ms. Deepthi Mary Varghese for R-3&4)

The application having been heard on 16.02.2011, the Tribunal on 04.05.2011 delivered the following:

ORDER

HON'BLE Ms. K. NOORJEHAN, ADMINISTRATIVE MEMBER

The applicants have filed this Original Application seeking the following main reliefs:-

"(i) To declare that the applicants are entitled to have their pay fixed in the scale of Rs. 5500-9000 in the light of Annexure A-7, with arrears and interest.

(ii) To direct the 1st respondent to grant the applicants the scale of pay of Rs. 5500-9000 as directed in Annexure A-7 with arrears and interest @ 18% per annum within a time stipulated by this Hon'ble Tribunal.

(iii) To grant such other reliefs as may be prayed for and this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case."

2. The 1st, 2nd, 3rd and 4th applicants are employed as Instructors (Mechanic Diesel-Engineering, Carpentry-Engineering, Workshop Calculation & Science /Engineering Drawing and Stenography) respectively at Dr. B.R. Ambedkar Industrial Training Institute, Kavaratti and have entered their service on 29.03.1994, 08.01.1990, 20.01.2007 and 08.11.2000 respectively. The applicants averred that the National Council for Vocational Training (NCVT) is an advisory body set up by Government of India with a view to evolve and maintain uniformity in the standards of training all over the country. The NCVT, by virtue of the powers vested on it, proposed to

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enhance the recruitment qualification for the post of Vocational Instructors as Item No. 14 of Agenda in its 31st meeting held on 30.11.1995.

3. The recommendation of NCVT was to have two separate streams of Vocational Instructors, one for teaching theory subject and another for conducting practicals having separate recruitment qualification norms. Government of India accepted the above recommendation and accordingly addressed all State Governments/Union Territory Administration requesting to amend the Recruitment Rules in respect of Vocational Instructors (A-1). In the 33rd meeting of NCVT dated 03.07.1999, it was proposed to enhance the pay scale of Vocational Instructors for non-engineering trades to have parity with Vocational Instructors of Engineering Trade. This also was circulated to the Secretaries of States/Union Territories requesting them to implement the decision of giving enhanced pay scale of Rs. 5500-9000 to Vocational Instructors of Non-Engineering Trades. Since the I.T.I Lakshadweep is coming under the 3rd respondent, viz., the Director General of Employment and Training, Ministry of Labour, the 2nd respondent sought clarification from the 3rd respondent (A-2). Meanwhile, those working in Vocational Training Institute, Chennai approached the Central Administrative Tribunal, Madras Bench seeking for enhancement of pay scale. The applicants stated that the High Court of Madras in W.P (C) 7068/98 delivered an interim order dated 14.10.1998 directing implementation of the revised pay scales with effect from 01.01.1986 without payment of arrears subject to the final judgment to be delivered by the Hon'ble Supreme Court in S.L.P 10677/97 (A-3).

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4. In view of the interim orders of the High Court of Madras, the 2nd respondent instructed the Pay and Accounts Officer, D.G.E.T-II, Chennai to implement the order of the Hon'ble High Court of Madras (A-3). The 2nd respondent, therefore, took up the matter with the 3rd respondent regarding revision of pay scales for the Instructors for Non-Engineering Trades in I.T.I Lakshadweep (A-4 & A-5). The 3rd respondent, however, did not concede the demand of the 2nd respondent as the recommendation of NCVT to have two separate schemes of Vocational Instructors for teaching the theory subject and taking the practical classes was not implemented by the 2nd respondent by framing Recruitment Rules, etc. While so, the Hon'ble Supreme Court dismissed the Civil Appeal No. 2357/2000 and 2261/2005 arising out of the order passed by the Central Administrative Tribunal, Madras and Kolkatta Benches. In the light of the judgement of the Hon'ble Supreme Court, the 3rd respondent conveyed its approval on 29.01.2007 for grant of the revised enhanced pay scales for Vocational Instructions (A-7) with effect from 01.01.1986 without payment of arrears. The applicants submitted their representations to 1st respondent seeking revision of their pay scale to Rs. 5500-9000 from Rs. 5000-8000 (A-8 to A-12). As their representation did not elicit any response, they filed this Original Application.

5. The respondents filed the reply statement stating that A-7, a copy of the letter from the 3rd respondent has not been endoresed to the 2nd respondent to enable them to take action in the matter. In view of the Annexure A-6 letter from the 3rd respondent, denying benefits to the instructors in Dr. B.R. Ambedkar Industrial Training Institute, Kavaratti on account of the

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non-implementation of the recommendation of the NCVT in 2003, they have not pursued the matter any further. They added that Annexure A-4 clarificatory order from the 3rd respondent clearly stated that the revised scale was given as enhanced qualifications were prescribed and therefore, the recommendation has to be implemented in toto. The letter concluded with Para 'E' stating the necessity to enable action to have separate recruitment and qualifications as per the 3rd respondent's letter dated 24.09.1996.

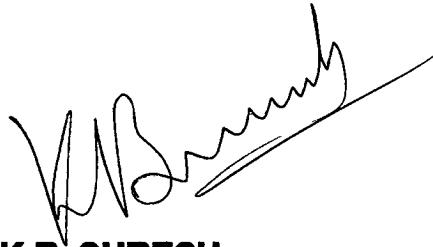
6. Heard the counsel on both sides and perused the documents. The applicants have referred to the order of the Tribunal, Madras Bench, the Madras High Court and the Supreme Court but they have not produced any of the judgements to enable this Tribunal to go through them and give the necessary directions to the respondents. The respondents have evaded the issue stating that the A-7 letter from the 3rd respondent was not received by them. The perusal of the A-7 letter regarding implementation of the judgement dated 19.04.2006 of the Hon'ble Supreme Court of India in C.A No. 2261/2005 and 2357/2000 shows that a copy of the A-7 letter was sent for information and necessary action to all the Field Institutes under the Training Directorate of (DGE&T) except NVT & RVTI. According to the respondents, Dr. B.R. Ambedkar, I.T.I, Kavaratti, comes under the 3rd respondent. Therefore, the respondents are directed to take up the matter with a copy of Annexure A-7 letter with the 3rd respondent to seek further clarification, and effect pay revision to applicants, if they are similarly placed like the applicants in the O.As filed before Madras and Kolkatta Benches. The respondents, who have better access to the judgements pronounced by

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the Hon'ble Supreme Court and Hon'ble High Court of Madras are directed to procure them for perusal and necessary action. However, the applicants are also directed to produce the judgements for the information of the 2nd respondent, since, it was their duty to do so.

7. The O.A is disposed off with a direction to the 1st and 2nd respondents to get the clarification from the 3rd respondent within a time line of four months and pass a speaking order on the representations of the applicants within five months from the date of receipt of this order.

(Dated, the 11th May, 2011.)



Dr. K.B. SURESH
JUDICIAL MEMBER



K. NOORJEHAN
ADMINISTRATIVE MEMBER

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