

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

**ORIGINAL APPLICATION NO:426/2008.
DATED THE 29th DAY OF JULY, 2009.**

CORAM:

**HON'BLE Mr GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE Ms K NOORJEHAN, ADMINISTRATIVE MEMBER**

Mr Gopalkrishna Sharma,
Junior Engineer/Electrical Power Grade I,
Office of the Section Engineer (Power),
Southern Railway, Trivandrum
residing at TC.20/2634, S S Street,
Karamana, Trivandrum-695 002. ... Applicant

By Advocate Mr P Ramakrishnan

V/s

- 1 Union of India,
represented by the Secretary,
Ministry of Railways, New Delhi.
- 2 The Chief Personnel Officer,
Southern Railway,
Head Quarter Officer,
Chennai.
- 3 The Senior Divisional Personnel Officer,
Southern Railway, Trivandrum ... Respondents

By Advocate Mr Thomas Mathew Nellimoottil

This application having been heard on 29.07.2009 the Tribunal on the same day:delivered the following

(ORDER)

HON'BLE Mr GEORGE PARACKEN, JUDICIAL MEMBER

In this application, the applicant has sought a direction to the respondents to advance his date of appointment as 11.10.1989 by



curtailing the training period in the post of Electrical Fitter/Train Lighting and to grant him all consequential benefits arising thereof.

2 The brief facts of the case are that the applicant joined Railways as a Trainee Electrical Fitter/Train Lighting w.e.f. 11.10.1989. He was absorbed in the Railway as regular Fire Electrical Fitter w.e.f. 11.10.90. He and two others, earlier requested the Respondents in the year 1992 to waive the training period for the purpose of reckoning his regular service but the same was rejected by the Annexure A-5 common letter dated 8.4.1992 stating that he was not a "course not completed Act Apprentices under Apprentices Act 1961" in the same trade and, therefore, he was not eligible for exemption from training and his training period could not be waived off. The other persons applied alongwith him were Shri R Sudarsanan and Shri K M Unny. Later on, on the basis of the letter no,D (S) 443/VII/GS(Pt) dated 5.6.2006 of the Chief Personnel Officer, Southern Railway, Chennai and the earlier instructions contained in Employment Notice No.1/89 dated 14.1.1989 of the Railways Recruitment Board, Trivandrum, the Respondents have issued the Annexure A-6 Memorandum dated 26.7.2006 in favour of Shri Sudarsanan curtailing the Training period of one year and advancing his date of appointment from 11.10.1990 to 11.10.1989, i.e. the date from which he was initially appointed as Apprentice Technical II in the Scale of Rs.950-1500 in the Electrical Department, considering his trade certificate in the relevant trade from Non-Railway Establishment equivalent to NCVT. Thereafter, the applicant made the Annexure A-7 representation dated 26.9.2006 alleging



discrimination in the matter of waiving the training period and advancing the date of absorption between him and Mr R Sudarsanan. In the said representation, he has pointed out that the Respondents have curtailed the the training period of five candidates who joined with him considering their apprenticeship training in relevant trade prior to joining in Railways and regularly absorbed from their date of joining. He has specifically stated the case of Mr R Sudarsanan, Technician Gr.II/TL/QLN whose training period was curtailed considering his trade certificate in relevant trade equivalent to NCVT and requested the Respondents to consider Electrical Branch HQ's letter No.E-150/A/17/Skilled Artisan dated 28.12.1989 wherein it has been stated that the ITI candidates with Electronics qualification should also be considered while recruiting skilled artisans in Electrical Department.

3 Respondents in their reply has stated that the applicant had undergone training but the Certificate of trade in his possession is in "General Electronics" which cannot be treated as the relevant trade for the purpose of waiving the training period as Electrical Fitter as the post demands training in electrical related aspects and electronics have no application whatsoever. As regards Mr Sudarsanan is concerned, they submitted that he had aquired Diploma in Electrical Engineering and he was in possession of National Trade Certificate in "Electrical Fitter" Trade, which is the relevant trade.

4 We have heard learned counsel for the parties. The date of absorption in respect of employees are advanced considering the



apprenticeship training undergone by them prior to joining Railways based upon the instructions issued by the RRB vide their notice no.1/89 dated 14.1.1989. In the absence of training in the relevant trade, such advancement of absorption cannot be accepted. In the case of applicant, he was appointed as an Electrical Fitter. The NCVT certificate he is in his possession is in the field on Electronics which is totally an unrelated area. The Electrical Branch Headquarters letter dated 28.12.1989 relied upon by the Applicant is with regard to the recruitment of skilled artisans in Electrical Department and not regarding waiving or curtailing the training period for the purpose of absorption in service. In the case of Shri R Sudarsanan, he is a holder of Diploma in Electrical Engineering and he is in possession of "Electrical Fitter" certificate from NCVT which is in the relevant trade. We therefore, consider that there is no comparison between the applicant and Shri R Sudarsanan. In view of the above, this OA is devoid of any merit and, therefore, it is dismissed. There shall be no orders as to costs.


K.NOORJEHAN
ADMINISTRATIVE MEMBER


GEORGE PARACKEN
JUDICIAL MEMBER

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