

**CENTRAL ADMINISTRATIVE TRIBUNAL,**  
**ERNAKULAM BENCH**

**Original Application No. 293 of 2011**

Friday, this the 18<sup>th</sup> day of May, 2012

**CORAM:**

**Hon'ble Mr. Justice P.R Raman, Judicial Member**  
**Hon'ble Mr. K. George Joseph, Administrative Member**

M. Damodaran, Wireless Supervisor,  
Central Institute of Fisheries,  
Nautical and Engineering Training (CIFNET),  
Fine Arts Avenue, Kochi-682 016.

..... **Applicant**

**(By Advocate – Ms. Sneha Rose)**

**V e r s u s**

1. Union of India, represented by its Secretary,  
Ministry of Agriculture, Government Secretariat,  
Krishi Bhawan, New Delhi-110 002.
2. The Director, Central Institute of Fisheries Nautical  
and Engineering Training (CIFNET), Fine Arts Avenue,  
Kochi-682 016.
3. Administrative Officer, Central Institute of Fisheries  
Nautical and Engineering Training (CIFNET),  
Fine Arts Avenue, Kochi-682 016. .... **Respondents**

**(By Advocate – Mr. M.K. Aboobacker, ACGSC)**

This application having been heard on 14.05.2012, the Tribunal on

18/05/2012 delivered the following:

**O R D E R**

**By Hon'ble Mr. K. George Joseph, Administrative Member -**

The applicant in this OA is working as a Wireless Supervisor since 1982. The pay scales of Wireless Supervisors and Technical Assistants were one and the same in the recommendations of the IIIrd and IVth Pay



Commissions. The pay of the Technical Assistant had been revised to Rs. 5,000-8,000/- since the Vth Pay Commission as against Rs. 4,000-7,000/- for the Wireless Supervisor. The Vth Pay Commission had recommended revision of pay scale of the Technical Assistant to Rs. 5,000-8,000/- on the ground that the direct recruitment qualification for Technical Assistant is diploma. The scale of pay of Rs. 5,000-8,000/- has been further revised on the basis of the recommendations of the VIth Pay Commission to Rs. 9,300-34,800/. The representation of the applicant for the same pay scale was rejected vide Annexure A-4 order dated 17.1.2011. Aggrieved he has filed this OA for the following reliefs:-

- “1) to direct the respondents to grant the financial benefits in the scale of pay of Rs. 5000-8000/- with effect from 1.1.1996, within a time frame to the applicant;
- 2) to set aside Annexure A4 order issued by the 3<sup>rd</sup> respondent and re-consider Annexure A3 representation in the light of Annexure A5 and Annexure A1 order of this Hon'ble Tribunal and to extend the financial benefits to the applicant also;

And

- 3) to issue such other reliefs as this Hon'ble Tribunal deem fit and proper.”

2. The applicant submitted that the qualification required for Wireless Supervisor is matriculation, certificate of proficiency, two years experience in operation and maintenance of wireless sets. The certificate of proficiency held by him is the highest qualification available in the field of Radio Communication in India and has international validity. The Wireless Supervisors and Technical Assistants are normally discharging the same duty in the Electronics Section. The mere fact that the applicant does not have a diploma cannot be a reason to deny the scale of pay awarded to



Technical Assistants. As per Annexure A-5 the 2<sup>nd</sup> respondent has strongly recommended to the 1<sup>st</sup> respondent to grant pay scale of Rs. 9,300-34,800/- to the applicant.

3. The respondents have contested the OA. It was submitted on their behalf that at present there is no post of Technical Assistant in the 2<sup>nd</sup> respondent institute as the Technical Assistants have been re-designated as Instructors. The applicant has been granted the pay scale of the post of Wireless Supervisor as recommended by the successive Pay Commissions. The 2<sup>nd</sup> respondent had submitted a proposal to the 1<sup>st</sup> respondent for up-gradation of the pay scale of the post of Wireless Supervisor at par with that of the erstwhile Technical Assistant and also for re-designating the post as Instructor (Wireless). For the reasons stated in Annexure R-1 the Ministry of Finance did not find the proposal sustainable. As per the amended recruitment rules the essential qualification required for the post of Wireless Supervisor is Diploma in Electronics/Telecommunication and certificate of proficiency (Maritime Mobile Service valid licence to operate the Radio Telephone sets, issued by the Department of Communication) or General Operators Certificate of Global Maritime Distress Safety Services (GMDSS) issued by Ministry of Communication.

4. In the rejoinder statement the applicant submitted that the 2<sup>nd</sup> respondent had again recommended for the up-gradation of the pay of Wireless Supervisors in view of the enhancement of educational qualification by letter dated 12.9.2011 as at Annexure A-6. But the Ministry has not agreed to the proposal of the up-gradation of the post of Wireless

A handwritten signature consisting of a stylized 'P' and a diagonal line.

Supervisor which was earlier an isolated post and has since been made a feeder grade post of Inspector Electronics and the post of Technical Assistant (Electronics) has since been merged and re-designated as Instructor (Electronics).

5. We have heard the learned counsel for the parties and perused the records.

6. The Director of the Central Institute of Fisheries Nautical Engineer Technology (CIFNET) in his proposal dated 11.12.2009 at Annexure A-5 had stated that the proposal of up-gradation of the post of Wireless Supervisor was neglected in the report of the VIth Pay Commission despite the post being a supervisory post. The applicant possesses the competency certificate which is of the highest level in the field of Maritime Radio Communication Equipment Operators with international recognition and validity. The proficiency certificate held by him and his 28 years of experience can be equated with the diploma or degree in Engineering. The Wireless Supervisor and Technical Assistant are normally reporting to Instructor (Electronics) as both of them are at the same level with regard to the functioning of the Electronics Section. However, the recommendation of the 1<sup>st</sup> and 2<sup>nd</sup> respondents for up-grading the pay of the applicant was turned down by the Ministry of Finance, Department of Expenditure on the ground that the qualification required for the post of Technical Assistant is higher than the qualification required for Wireless Supervisor as in the former case it is diploma with 60% marks and in the latter case it is only certificate. Further vide Annexure A-6 dated 12.9.2011 the Director,

A handwritten signature consisting of a stylized 'J' shape on the left and a horizontal line on the right, likely belonging to the Director mentioned in the text.

CIFNET has informed Secretary to Ministry of Agriculture that the recruitment rules for the post of Wireless Supervisor of CIFNET has now been revised by the Gazette of India dated 5.2.2011 duly amending the educational qualification at par with the Technical Assistants as (i) Diploma in Electronics/Telecommunication, (ii) Certificate of proficiency (Maritime Mobile Service valid licence to operate the Radio Telephone sets issued by the Dept. of Communication) or General Operators Certificate of GMDSS issued by Ministry of Communication. He has also recommended that in view of the enhancement in educational qualification for the post of Wireless Supervisor at par with Technical Assistant recommended the up-gradation of the pay of Wireless Supervisor from PB-1 Rs. 5200-20200+2800 GP to PB-2 Rs. 9300-34800+4200 GP. Further as per Annexure A-7 the proposal for up-gradation of the post of Wireless Supervisor in the light of revised recruitment rules was not agreed to for the reasons that the post of Wireless Supervisor which was earlier an isolated post has since been made a feeder grade post of Instructor (Electronics) and the post of Technical Assistant (Electronics) has since been merged and re-designated as Instructor (Electronics).

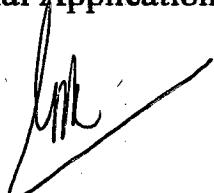
7. Now that recruitment rules for the post of Wireless Supervisor has been revised at par with that of the Technical Assistants and the post of Wireless Supervisor which was once at the same level as Technical Assistant has been made the feeder grade post of Instructor (Electronics) with which the post of Technical Assistant is now merged, it would only be fair and just if the case of the applicant for up-gradation of the post of



Wireless Supervisor is considered de-novo by the respondents. Accordingly, it is ordered as under:-

The applicant is directed to make a fresh representation within thirty days of receipt of a copy of this order to the 2<sup>nd</sup> respondent. Upon receipt of a fresh representation from the applicant the respondents are directed to consider the case of the applicant for up-gradation of his pay scale and dispose of the same by a speaking order within a period of three months from the date of receipt of such representation from the applicant.

8. Original Application is disposed of as above with no order as to costs.



**(K. GEORGE JOSEPH)**  
**ADMINISTRATIVE MEMBER**



**(JUSTICE P.R RAMAN)**  
**JUDICIAL MEMBER**

“SA”