

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

70

O.A. NO: 300/89

199

T.A. NO: -----

DATE OF DECISION 11-11-1991

Rajendra Babulal Pardeshi

Petitioner

Mr. J. M. Chitale

Advocate for the Petitioners

Versus

Union of India

Respondent

Mr. A. I. Bhatkar


Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice U.C. Srivastava, Vice-Chairman

The Hon'ble Mr. J. Y. Pralokar, Member(A)

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


(U.C. SRIVASTAVA)

mbm*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

(11)

O.A.300/89

Rajendra Babulal Pardeshi,
107, Mangalwar Peth,
Pune 411 011.

.. Applicant

vs.

1. Union of India
through
The Secretary,
Ministry of Defence,
Central Secretariat,
South Block,
New Delhi.

2. Director General Electrical
& Mechanical(EME Civil),
Master General of Ordnance Branch,
Army Headquarters,
DHQ P.O. New Delhi - 110 011.

3. The Commandant,
512, Army Base Workshop,
Kirkee,
Pune 411 003.

.. Respondents

Coram: Hon'ble Shri Justice U.C.Srivastava,
Vice-Chairman

Hon'ble Shri A.Y.Priolkar,
Member(A)

Appearances:

1. Mr.J.M.Chitale
Advocate for the
Applicant.

2. Mr.A.I.Bhatkar
Advocate for the
Respondents.

ORAL JUDGMENTS:

Date: 11-11-1991

After due selection by the DFC which placed the applicant at No.1 and failing to get appointment to the post for which he was selected viz. Telecom Mechanic the applicant has approached this Tribunal.

2. The applicant who is already working as LDC in the EME, Ministry of Defence, was allowed to appear for the trade test for Telecom Mechanic as a departmental candidate in December, 1982. He came out in the examination as successful but he was not appointed but other persons were appointed.

The applicant made fanatic efforts for the same but failing to get any relief from the department he approached this Tribunal.

3. The respondents have opposed the claim of the applicant stating that the applicant is merely a diploma holder in Wireless Operator and not a Certificate holder from a recognised training institute in the subject for which the course is for two years. In this connection they also made enquiry from the Principal, I.T.I., from which the applicant got the certificate. Regarding the three persons appointed, but possess the same qualification like the applicant, it has been stated that Shri Kshirsagar was appointed as Telecom Mechanic who possessed the Wireless Operator course certificate prior to the coming into force of SRO 233 of 1982. So far as the second person Shri Dighe is concerned he is an experienced person and he is an Ex-serviceman. So far as the third person Shri Wankhede is concerned it has been stated that he had undergone training for a period of two years at ITI and passed the trade test for Wireless Mechanic-cum-operator.

4. On an enquiry by the department to the Principal, ITI, Aundh, Pune, the Principal replied as below:

"Wireless Mechanic-cum-Operator(WMCO)
Course of two years duration is being conducted in this institution since 1985. Details are as follows:

Wireless-Mechanic-cum-Operator(WMCO)
with 2 years' duration(104 weeks) with pass in H.S.C. and maths and Science group. Prior to July, 1985, the above course was of one year duration and was designated as "Wireless Operator (WO)" with SSC pass as its intake

O.A. 300/89

qualification. Taking into consideration of the large requirements of Telecom Personnel in near future, the Govt. of India entirely revised and redesignated the "Wireless Operator" trade as mentioned above. I further say that in addition to this, there are two following courses being conducted in this institution. Closely related to Radio & Electronics field, Mechanic Radio & Television(M.R.T.V.), Mechanic General Electfonics(M.G.E.). The courses are of 2 years' (104 weeks) duration with pass as its intake qualification. Both the courses are in force since 1959."

5. The applicant passed examination prior to 1985. From the letter of the Principal it is clear that the course is of 104 weeks and the applicant so far as all the ~~xx~~ relevant subjects are concerned there is no different except two additional subjects have been added which did not appear to be ~~xxx~~ much relevant so far as the post is concerned, except that gaining additional knowledge. The SRO on which reliance has been placed only speaks a certificate from a recognised institution and it does not prescribe that the holder should hold the certificate of two years study and not of one year study. Accordingly it cannot be said that the applicant did not fulfil the requisite qualification in accordance with the SRO and that is why the DPC selected him and placed him at No.1. There was no reasonable justification whatsoever for the respondents to deny the applicant the post for which he was duly selected and accordingly the respondents are directed to give appointment to the applicant against the said post as early as possible but not later than two months from the date of communication of this order. The question whether

14

O.A. 300/89

his appointment will be deemed to be from some earlier date without any salary for the same will be considered by the respondents themselves. There will be no order as to costs.



(M.Y. PRIOLKAR)
Member(A)



(U.C. SRIVASTAVA)
Vice-Chairman

MD