

CENTRAL ADMINISTRATIVE TRIBUNAL,  
MUMBAI BENCH,

Original Application No. 800/<sup>2000</sup>~~1998~~.

Wednesday, this the 13th day of June, 2001.

Shri Justice Birendra Dikshit, Vice-Chairman.

Sheikh Zubair Ahmed Bashiruddin,  
94, Saudagar Mohalla,  
Bhivandi, Dist. Thane,  
Pin Code 421 302.  
(By Advocate Shri V.G.Rege)

...Applicant.

v.

1. Union of India through  
Secretary, Ministry of Railways,  
Railway Board,  
New Delhi.

2. The Chairman.  
Railway Recruitment Board,  
Mumbai Central,  
Mumbai - 400 008.

(By Advocate Shri V.S.Masurkar,  
CGSC)

...Respondents.

O R D E R (ORAL)

Shri Justice Birendra Dikshit, Vice-Chairman.

The short question involved in this case is whether a person who qualified as Electrician by obtaining a certificate from Indian Technical Institute is eligible for appointment on a post where the eligibility qualification is Wireman from I.T.I. The question has arisen as the applicant claims that he fulfilled the requirement for being considered on a post has been considered ~~to be~~ ineligible for being considered as an Apprentice Assistant Driver (Electrical/Diesel), under the Railway Recruitment Board, Mumbai Employment Notice No.1/97.

2. The Learned Counsel for the applicant Shri V.G.Rege contended that the course of Electrician and Wireman being the same, the applicant could not have been held to be ineligible in

*A. G. Rege*


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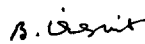
competing with candidates who have obtained the certificate in the trade of Wireman. He has also relied upon a certificate issued by the Anujapak Mandal under the Industries, Energy and Labour Department of the Government of Maharashtra, whereby the Maharashtra Government has certified that the applicant is eligible for being exempted from passing the prescribed examination of Wireman. This has been opposed by the Learned Counsel for the Respondents Shri V.S.Masurkar.

3. We are of the opinion that it is not open for the Tribunal to examine whether the I.T.I. Certificate as an Electrician is sufficient to consider the applicant for the trade in which I.T.I. Certificate of Wireman is required. It is for the expert bodies to examine if for a particular service the certificate of another trade is to be accepted or not. ~~All these~~ <sup>has</sup> ~~is~~ <sup>is</sup> This depends on the nature of the job which shall be assigned to the person concerned. It is well known that bodies which lay down minimum eligibility for a particular service do take into consideration the academic qualifications and the practical experience of the person concerned and if the two trades are not being treated at par by that expert body, then this Tribunal cannot go into that question.

4. So far as the certificate issued by the Anujapak Mandal under the Government of Maharashtra is concerned, that exemption might have been given by the Maharashtra Government in respect of the employment of the State, but we cannot say that Railway has to recognise such a certificate and ~~can~~ <sup>has to</sup> exempt the applicant from having the minimum qualification of holding an I.T.I. certificate of Wireman. We would like to observe that though no averment <sup>is made</sup>

have been made in the application for showing that the two certificates are equal, but syllabus of the two trades were placed before us and we do not find nor we are <sup>experts</sup> capable of understanding that the two trades are similar. Prima facie, we are satisfied that the two trades before us to be different and that is why different certificates are being given. For the aforesaid reasons, the application is dismissed. No orders as to costs.

  
(B.N. BAHADUR)  
MEMBER(A)

  
(BIRENDRA DIKSHIT)  
VICE - CHAIRMAN

B.

CENTRAL ADMINISTRATIVE TRIBUNAL,  
MUMBAI BENCH,

Review Petition No. 51/2001  
in  
Original Application No.800/2000.

Tuesday, this the 18th day of September, 2001.

Shri Justice Birendra Dikshit, Vice-Chairman.  
Shri B.N.Bahadur, Member (A)

Sheikh Zubair Ahmed Bashiruddin,  
94, Saudagar Mohalla,  
Bhivandi, Dist. Thane,  
Pin Code 421 302.

...Applicant.

v.

1. Union of India through  
Secretary, Ministry of Railways,  
Railway Board,  
New Delhi.

2. The Chairman.  
Railway Recruitment Board,  
Mumbai Central,  
Mumbai - 400 008.

...Respondents.

: ORDER ON REVIEW PETITION BY CIRCULATION :

Shri Justice Birendra Dikshit, Vice-Chairman.

This Review Petition has been filed on 16.8.2001 on the ground that petitioner came in possession of some documents after disposal of OA on 13.6.2001 and the decision be reviewed.

2. The six documents, on the basis of which this RP has been filed for getting fresh hearing of OA were in existence when the OA was heard. Had the petitioner taken due care in prosecuting

B. Dikshit

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his OA, he could have filed these documents well in time before final hearing of OA. The R.P. cannot be allowed for reason assigned. So far decision of OA is concerned, there is no error apparent on the face of record nor the ground taken justifies allowing this Review Petition for reconsidering the decision. For aforesaid reason, the RP is dismissed.

B. Bahadur

(B.N. BAHADUR)  
MEMBER (A)

B. Dikshit

(BIRENDRA DIKSHIT)  
VICE-CHAIRMAN

B.