

**CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO: 740/2001
DATED THE 20TH FEB, 2002**

**CORAM: HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE SMT. SHANTA SHASTRY, MEMBER(A)**

Manohar Ramchandra Poshingir,
E/at B1/B, ARDE Colony, Fashan,
Pune 411 031.

... Applicant

By Advocate Shri R.S.Sawant

V/s.

1. Union of India,
through Secretary M of D,
New Delhi.
2. Engineer-in-Chief,
AHQ Kashmir House,
New Delhi.
3. Commander Works Engineer,
Naval Works, Mumbai 400 005.
4. Garrison Engineer, Karanja,
Dist. Raigarh, Pin- 400 704.
5. Commandant,
ESD, Dehu Road, Pune -411 101
6. RAO (MES) Kirkee,
Pune 411 003.

... Respondents

By Advocate Shri R.K.Shetty

(ORAL)(ORDER)

Per Smt.Shanta Shastri, Member(A)

The applicant by the present OA is claiming
payscale in the Skilled grade i.e. Rs.950-1500 from 10/1/90
to 31/12/95 and to revise his scale further in terms of the
revised payscale as per the Vth Pay Commission
recommendations by giving service weightage including cadre
seniority in skilled category.

2. The applicant was initially appointed as
Refrigerator Mechanic on 11/1/88 in the semi skilled

...2.



:2:

category of Rs.800-1150. After completion of two years, according to the applicant he is entitled to be in the skilled grade in terms of the OM dated 15/10/1984 of the Government of India, Ministry of Defence. It was decided in this OM that based on the decisions taken by the Government of India on the unanimous recommendations of the anomalies committee 12 trades be upgraded from semi skilled grade of Rs.210-290 to skilled grade of Rs.260-400. It was further mentioned in this OM that direct recruits with ITI Certificate/Ex-trade Apprentices/NCTVT indicated in the semi skilled grade, who have rendered two years service in that grade shall also be eligible for the Skilled grade.

3. It is the case of the applicant that he has completed two years of service and at the time of his appointment he had produced all the necessary certificates including the certificate of his having passed the ITI examination and therefore he is entitled to Skilled grade from the date of completion of two years. The applicant has not produced any copy of the relevant ITI certificate or NCTVT certificate. He has further drawn our attention to a letter dated 19/1/98 at page-17, Exhibit-B which has been sent by one Shri V C Srivastava for Garrison Engineer addressed to the Commander Works Engineer, Naval Works, Bombay-5. It shows that the applicant had reported for duty on 11/1/88 and taken on the strength on the same day. There is indication of one enclosure and the copy has been endorsed to UA GE Karanja for information. Amongst the documents mentioned, is a document at 'f' Education and Technical Qualification and the Date of Birth certificate.

...3.



The applicant has shown us a xerox copy of the original letter. We find that it appears that the letter is cyclostyled with relevant information relating to the applicant being filled in ink. However, it is seen from this letter that there is no specific mention as to what educational or technical qualification, the applicant possesses. It is not indicated that the applicant has produced a certificate of ITI/NCTVT. In the absence of this, it is difficult for us to accept this as proof of the applicant having produced the requisite ITI or NCTVT certificate. In the absence of this, therefore the applicant cannot be said to be fulfilling the conditions required for being placed in the skilled grade.

4. The learned counsel for the applicant presses that he did submit the requisite certificate at the time of appointment and it is not possible for him to produce the same now after 13 years. It may be in the service book or it might not have been entered in the service book. In the circumstances, the applicant at the most could be allowed an inspection of the documents available with the respondents though the respondents deny that they have received any such documents.

5. It is also open to the applicant to produce the requisite certificate even at this stage which shall be considered by the respondents and relief granted accordingly. The OA is disposed of accordingly with the above observations. No costs.


(SMT. SHANTA SHASTRY)
MEMBER(A)


(ASHOK AGARWAL)
CHAIRMAN