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CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

OA No.1378/95

Hyderabad, the 5th day of March 1998.

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HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN (EKM BENCH)
HON'BLE MR H. RAJENDRA PRASAD, ADMINISTRATIVE MEMBER

Md. Mahmood
S/o M.A.Jabbar
Senior Draftsman
(ad-hoc) O/o the Chief
Project Manager, Railway
Electrification
Vijayawada. ...Applicant

(By advocate: Mr GV Subba Rao) Not present.

Versus

1. Secretary, Railway Board
Rail Bhavan, New Delhi.
2. General Manager
South Central Railway
Rail Nilayam, Secunderabad.
3. Secretary
Ministry of Human Resources Development
Govt. of India, New Delhi.
4. Chief Project Manager
Railway Electrification
Vijayawada ...Respondents.

(By advocate: Mr Venkateswaran)

The application having been heard on 5.3.98, the
Tribunal on the same day delivered the following:

O R D E R

The applicant was appointed as Tracer in the Railway
Electrification Project, Vijayawada on 3.5.1982. His
educational qualification is pass in intermediate vocational
course in Surveyor and Estimator after matriculation.
The Railway Board by letter dated 25.6.85 addressed to
General Managers of all Railways directing them to conduct
cadre review and restructuring of Group-C and D cadres.

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According to instructions it was decided that the Tracers post must be abolished progressively and future vacancies in the grade of Rs. 330-560 ought to be filled by the diplomaholders from the open market and the existing incumbent on the post of Tracers be promoted as Assistant Draftsmen, promoting those who are diploma holders straightaway and promoting those who did not have such qualification after a service of five years. The Tracers who had diploma qualifications were immediately promoted with effect from 1.1.1984 to the post of Assistant Draftsman in the scale of Rs. 330-560 but the applicant who did not have diploma was promoted only after a period of 5 years though he had passed intermediate course in vocational training in Surveyor & Estimator which has been recognised as equivalent to ITI certificate by the Ministry of Human Resources Development. The applicant was not given the benefit of promotion from 1.1.84. The applicant represented claiming the promotion from 1.1.84. The claim was rejected on the ground that the Railway Board after referring the matter to the Ministry of Human Resources Development has found that the certificate in vocational course of intermediate in Surveyor & Estimator did not relate to the National Trade Certificate ITI. The applicant's claim is that the qualification possessed by him is more than equivalent to the post of Asstt. Draftsman with all consequential benefits with effect from 1.1.1984.

2. The respondents in their reply statement contend that in view of the specific provision in the Railway Board's letter dated 1.11.1985, the applicant who did not

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have the qualification of diploma in Draftsman was entitled for promotion only after 5 years of service and was therefore not entitled for promotion from 1.1.1984. However, they contend that in the light of application received from the applicant the matter was referred to Railway Board, which in turn in consultation with the Ministry of Human Resources Development, informed that the intermediate examination vocational course in Surveyor & Estimator is not related to any of the National Trade Certificates and therefore, the applicant is not entitled to the relief.

3. In the rejoinder filed, the applicant has contended that by letter dated 6.1.1986 of the Railway Headquarters Personnel Branch, Secunderabad office order No.I/EL/86 the qualification of diploma has been relaxed and persons possessing ITI Draftsmanship certificate have been promoted as Assistant Draftsman with effect from 1.1.1984 and that the respondents are bound to grant him the same benefit as the certificate possessed by him is equivalent to that of ITI Draftsmanship.

applicant has passed the intermediate vocational course examination in Surveyor & Estimator conducted by the Board of Intermediate Education, Andhra Pradesh dt. 28.1.1988 that the Board has certified that Surveyor & Estimator Vocational Course can be considered for recruitment to the post for which ITI

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Draftsman Civil Course qualification is prescribed. However, the Railway Board has not recognised the intermediate examination in vocational course in Surveyors & Estimator of the Board of Intermediate Education, Hyderabad as equivalent to National Trade Certificate awarded in the designated trades of Draftsmen. From Annexure R-4 it is not clear as to whether any authority has compared the syllabus and the standard of education for the intermediate examination in vocational course in Surveyor & Estimator with the Syllabus for ITI in Draftsmanship or National Certificate issued in Designated Trade so as to categorically state as to whether the intermediate examination is equivalent to ITI examination or not.

In the considered view that the matter should go back to the respondents for a proper consideration as to whether the intermediate examination in vocational course passed by the applicant can be considered equivalent to the certificate of Draftsman Trade issued by the -----
as to whether the applicant would also be entitled to promotion with effect from 1.1.84 as was given to several Tracers with ITI qualification by the order dated 6.1.86 Annexure-2 to the rejoinder.

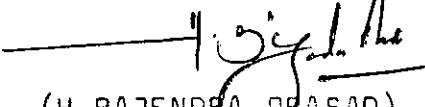
6. In the light of what is stated above, we permit the applicant to make a detailed representation along with supporting documents to the first respondent through proper channel within a period of 15 days from the date of receipt of a copy of this order and we direct the first respondent to take a decision on the representation

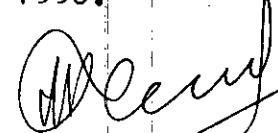
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if necessary after referring the matter to any authority to compare and decide whether the examination Intermediate Vocational Course in Surveyor & Estimator, possessed by the applicant is equivalent to ITI Certificate in Draftsmanship issued by the Board of Technical Education, Andhra Pradesh, and if it is found that it is equivalent, to have the case of the applicant considered for promotion as Assistant Draftsman with effect from 1.1.84 in a manner in which 32 Tracers with ITI qualification were promoted by the Railway Headquarters letter dated 6.1.96. The entire exercise should be completed and the proper order issued within a period of four months from the date of the representation.

No order as to costs.

Dated the 5th day of March 1998.


(H. RAJENDRA PRASAD)
ADMINISTRATIVE MEMBER


(A.V. HARIDASAN)
VICE CHAIRMAN (EB)


Deputy Registrar

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To

1. The Secretary, Railway Board,
Railbhavan, New Delhi.
2. The General Manager, SC Rly,
Railnilayam, Secunderabad.
3. The Secretary, Ministry of Human Resources
Development (Dept.of Education)
Govt.of India, New Delhi.
4. The Chief Project Manager,
Railway Electrification, Vijayawada.
5. One copy to Mr.G.V.Subba Rao, Advocate, CAT.Hyd.
6. One copy to Mr.V.Rajeswar Rao, SC for Rlys, CAT.Hyd.
7. One copy to DR(A) CAT.Hyd.
8. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE A.U. Halipasa
VICE-CHAIRMAN Endekulu Band

AND

THE HON'BLE MR.H.RAJENDRA PRASAD: M(A)

DATED: 5 - 3 - 1998

ORDER/JUDGMENT:

M.A./R.A./C.A.No.

O.A.No. 1378 in 95.

T.A.No.

(W.P.)

Admitted and Interim directions
Issued.

Allowed

Disposed of with direction

Dismissed.

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

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