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CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

O.A.No.1487/96.

Date of decision: 31-12-1998

Between:

M.Venugopal Reddy. .. Plaintiff.

And

1. Indian Space Research Organisation,
Department of Space, Govt. of India,
Represented by the Director(Personnel),
Bangalore.
2. The Administrative Officer,
Personnel and General Administration,
ISRO, SHAR Centre, Sriharikota.
Respondents.

Counsel for the applicant: Sri P.Naveen Rao.

Counsel for the Respondents: Sri K.Bhaskara Rao.

CORAM:

HON'BLE SRI R. RANGARAJAN, Member (A)

Hon'ble Sri B.S.JAI PARAMESHWAR, Member (J)

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O.A.1487/96.

(by Hon'ble Sri B.S.Jai Parameshwar, Member (A))

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Heard Sri Phaniraj for Sri Naveen Rao for the applicant and Sri K.Bhaskara Rao for the Respondents.

The Applicant joined SHAR centre on 8.10.1987 as Helper-A. At that time he was possessing the qualification of passing SSC which is equivalent to Matriculation. He was further promoted as Helper-B with effect from 1.4.1992.

It is stated that while working at SHAR the applicant was prosecuting his studies to acquire ITI Trade Certificate and thus completed the Certificate in Instrument Mechanic Trade in July, 1995. He submits that he was awarded Provisional National Trade Certificate in Instrument Mechanic Trade on 30.12.1995 with a stipulation that National Trade Certificate will be issued by National Council for Vocational Training.

The applicant submits that the first respondent had introduced a Promotional Policy whereina special review would be conducted to confer promotion on persons who acquired additional qualifications while in service. In terms of the said Policy, the case of the applicant was reviewed and he was promoted as Tradesman 'A' Grade by Office Order No.SCF:PGA:Estt.III:2.12 dated 3.4.1996.

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The grievance of the applicant is that the Grading given to him was not according to the Promotional Policy and he submitted a representation seeking for review of his case and to confer on him promotion to the Tradesman Grade "B". The said representation was considered and rejected on the ground that the trade of Instrument Mechanic is not one among the four trades

ISRO/SHAR as seen from the recognised by ~~Department~~ by O.M.HQ:ADMN:4.20(3)

dated 26.5.1981 (Annexure ^{R-7} to the reply page 178)

The applicant in support of his claim for higher promotion, obtained clarification from the Government Industrial Training Institute, Nellore where he had studied the said course. It is stated that the Principal of the said Institute had clarified that the ~~maxxix~~ applicant had undergone full pledged ITI Training Course. However, the case of the applicant was negatived by the impugned order on the ground that the Trade for Instrument Mechanic was not recognised by ISRO/DDS as Matric Trade.

The applicant relies upon O.M.No.HQ:ADMN:4.20(3) dated 26.5.1981 which provides special review for promotion. Para 6.7 of the said O.M., deals with equating the qualifications to ITI Courses. Relying upon that the applicant submits that he has possessed a regular ITI Trade certificate issued by the National Council for Vocational Training and therefore, there was no need for ^{Considering} ~~equating~~ his representation as per for application of the said equations.

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The applicant submits that the requirements for a Matric Trade or minimum qualification to acquire admission to ITI Course is SSC and the duration of the course is two years and the certificate would be issued by the Director General of the Employment and Trade, Government of India, New Delhi. He submits that he has fulfilled all these conditions.

In support of his contention, the applicant relies upon the O.M., dated 26.5.1981.

Para 6.7.2 is relevant in this connection which reads as under:

In respect of trades for which ITI courses are not available, qualifications will be treated as equivalent to Non-Matric ITI if all the following conditions are satisfied:

- (A) The certificate in question is awarded by the Director General of Technical Education of the Centre or State.
- (B) VIII Standard is prescribed as the Minimum qualification for the course.
- (C) The formal training is for a period of not less than 12 months or the work experience is equated, by the formal orders of appropriate authority of the State or Central Government, as equivalent to the formal training, such experience being not less than 12 months, and
- (D) The appropriate authority equates the certificate to a Non-Matric ITI.

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The applicant has also filed a clarification in regard to the above submission issued by the Principal of Government Industrial Training Institute, Nellore by his letter No. B1/Trg./96 dated 25.5.1996 (Annexure A-v Page 24 to the O.A.). It is clarified in this letter that the Instrument ~~Mechanic~~ Trade in ITIs is treated as Matric Trade for the following reasons:

1. The National Trade Certificate will be issued by the Director General of Employment and Training A.P., New Delhi.
2. The minimum qualification is S.S.C., passed to acquire admission into Instrument Mechanic ITIs.
3. The duration of course of Instrument Mechanic Trade is 2 years.

Aggrieved by the decision of the respondents not to promote him as Grade "B" Tradesman, the applicant has filed this O.A., to call for the records relating to O.M.No.SCF/PGA/RWS/49/96 dated 21.8.1996 and on that basis to quash or set aside the decision contained therein and consequently to direct the respondents to review the promotions made by Pro. No. SCF&PGA:Estt.III:2.12 dated 3.4.1996 by placing the applicant in Tradesman-B on and from the date of acquiring higher qualifications with all consequential benefits.

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The point at issue is "whether the ITI Instrument Mechanic Trade is to be treated as Matric Trade or not?" It is for the Department to decide the issue on the basis of various instructions issued by the Government of India and also taking into consideration the other instructions issued by the concerned Authorities connected with the subject. It is not possible for the Tribunal or a Court ^{ever} to sit in judgment ~~of~~ the decision of the Departmental Authorities in regard to equation of qualifications of a particular section, category or person. Hence, it is proper to direct the respondents to dispose of the ^{Applicant's} his representation to be submitted by him with full details in accordance with law. If on the basis of submissions made in the ^{acceptable} the/representation of the applicant are ~~acceptable~~, then the case of the applicant should be considered for promotion to Tradesman⁷⁸ with all consequential benefits.

The O.A., is ordered accordingly. No costs.

B.S.JAI PARAMESHWAR

Member (J)

31.12.98

Date: 31st December, 1998
Dictated in open court.

R.RANGARAJAN

Member (A)

7/1998

SSP.

25/1/89

II COURT

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

1) H BSCP

THE HON'BLE SHRI R. RANGARAJAN : M(A)

2) D.R (A)

AND

3) Sree

THE HON'BLE SHRI B.S. JAI PARAMESWAR :
M(J)

DATED: 31/12/88

ORDER/JUDGMENT

MAY/R.A./C.P. No.

in

OA. NO. 1487/96

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

SRR

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