

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No.3483/2013

New Delhi this the 17th day of September, 2015

Hon'ble Shri A.K. Bhardwaj, Member (J)
Hon'ble Dr. Birendra Kumar Sinha, Member (A)

T.S.Gokhale,
Training Officer,
The Regional Directorate of Apprenticeship
Training,
Ministry of Labour & Employment
(DGE&T), Government of India,
Faridabad (Haryana).

... Applicant

(By Advocate Shri A.R.Gupta)

VERSUS

1. Union of India
Service through Secretary,
Ministry of Labour & Employment,
Govt. of India, Shram Shakti Bhawan,
Rafi Marg, New Delhi-110001
2. The Director General/Joint Secretary
The Directorate General of Employment &
Training,
Ministry of Labour & Employment,
Government of India, Shram Shakti Bhawan,
Rafi Marg, New Delhi-110001
3. The Regional Director of Apprenticeship Training,
The Regional Directorate of Apprenticeship
Training, Ministry of Labour & Employment,
(DGE&T), Govt. of India, Faridabad
(Haryana).
4. Sh. Partap Singh,
Assistant Director of Training,
DGE&T (HQ),
Ministry of Labour & Employment,
Govt. of India, Sharam Shakti Bhawan,
Rafi Marg, New Delhi-110001
5. Sh. A.K. Mondal,
Assistant Director of Training,
Regional Directorate of Apprenticeship
Training (DGE&T),

Ministry of Labour & Employment,
Govt. of India, Faridabad,
Haryana

6. Shri Ashwani Kumar,
Assistant Director of Training,
DGE&T (HQ),
Ministry of Labour & Employment,
Govt. of India, Sharam Shakti Bhawan,
Rafi Marg, New Delhi-110001
7. Shri M.V.Bhandari,
Assistant Director of Training,
Regional Directorate of Apprenticeship
Training (DGE&T),
Ministry of Labour & Employment,
Govt. of India, Mumbai,
Maharashtra.

.. Respondents

(By Advocate Shri Rajinder Nischal)

ORDER (ORAL)

Hon'ble Mr. A.K.Bhardwaj, Member (J):

The prayer made in the present Original Application filed under Section 19 of Administrative Tribunals Act, 1985, read thus:

- “(i) The impugned Office Order No. of 2013 dated 05.04.2013 No. DGE-II –A -32016 /4/2008-Admn-II (Vol.II) issued by the respondent No.2 whereby promotion of Training Officer (Gr.B.Gazetted) were made to the post of Assistant Director of Training ignoring promotion of the applicant from the said post of training officer to the post ADT may be set aside and the respondents be directed to promote the applicant from the said post of Training Officer to the post of ADT on parity treating the acquired educational/technical qualification of the applicant as equivalent to National Trade Certificate as accepted and recognized by them as such while appointing him as Vocational Instructor in 1983 and later promoting him as Surveyor on the higher post (re-designated as Training Officer Gr.B Gazetted) as the respondents are bound by the “doctrine of estoppel” to do the same.

- ii) The respondents may also be directed to place the applicant on his promotion as ADT as per roster point reserved for ST against promotion quota and also his junior colleagues be placed below him as ADT from the date they have been promoted on the said post of ADT;
- iii) Any other relief which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case be also passed in favour of the applicant."

According to the applicant when his peers and juniors are considered for promotion to the post of Assistant Director of Training, the respondents have not considered him for such promotion. The stand taken by the respondents in their reply is that the applicant did not satisfy the eligibility condition mentioned in column 11 of the relevant Recruitment Rules (RRs). According to them, one year course in Hand and Power Loom Weaving from ITI Nagpur done by the applicant cannot be considered equivalent to National Trade Certificate/ National Apprenticeship Certificate in appropriate trade with Craft Instructor Certificate or National Craft Instructor Certificate mentioned in the rules. Para 4.4 of the reply read thus:-

"4.4. That it is humbly submitted that it is true that Department Recruitment Rule provides the method of recruitments for the post of Assistant Director of Training in the DGE&T, Ministry of Labour & Employment is 50% by direct recruitment and 50% by promotions. As per Recruitment Rules (RR) for promotions also enclosed with OA at Annexure A-3 column 11, eligibility is "Training Officers in the pay scale of Rs.9300-34800 (PB-2)+Rs.4600/- (Grade Pay) with three years regular service in the grade, and possessing at least National

Trade Certificate/or National Apprenticeship Certificate in appropriate trade with craft instructor certificate/or National Craft Instructor Certificate or Equivalent Certificate issued by the National Council for Vocational Training;

OR

A degree from a recognized university or equivalent with National Trade Certificate/or National Apprenticeship Certificate.

Note: Where juniors who have complete their qualifying/or eligibility service are being considered for promotion, their seniors would also be considered, provided they are not short of the requisite qualifying/or eligibility service by more than half of such qualifying/or eligibility service or two years; whichever is less and have successfully completed their probation period for promotion to the next higher grade along with their juniors who have already completed such qualifying/or eligibility service”.

It is humbly submitted in this regard that the applicant has done one year course in “Hand and Power Loom Weaving” from ITI Nagpur only and not the required Craft Instructor Certificate/or National Craft Instructor Certificate or Equivalent Certificate issued by the National Council for Vocational Training.”

Learned counsel for the applicant submitted that he has made an application before AICTE to procure the rules before making his further submission in the matter. We do not find any reason to doubt the stand taken by the respondents in their reply.

2. The OA is disposed of with direction to respondents to refer the question of equivalence of certificate to AICTE and obtain their opinion whether the course in Hand and Power Loom Weaving from ITI Nagpur can be considered as equivalent certificate as mentioned in column 11 of the Rules (ibid) and if the opinion given by the AICTE is positive then to

consider the case of applicant for promotion in question in accordance with the rules and instructions by convening a review DPC, if necessary. In case the opinion is negative, the decision would be communicated to the applicant by way of detailed reasoned and speaking order. With such speaking order, the applicant will also be given a copy of the RRs. It goes without saying that the grievance of the applicant subsists against the speaking order, it would be open to him to work out his claim in accordance with law, if so advised. No costs.

(Dr. Birendra Kumar Sinha)
Member (A)

(A.K.Bhardwaj)
Member (J)

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