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**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

**Review Application Nos.180/00048/2018 and 180/00050/2018
in Original Application Nos.180/00889/2016 and 180/00910/2016**

Thursday, this the 4th day of October, 2018

CORAM:

**HON'BLE Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER
HON'BLE Mr.ASHISH KALIA, JUDICIAL MEMBER**

1. B.Remeshkumar,
Mechanic (Electronic Machines and Equipments),
Officiating as Storekeeper,
National Skill Training Institute for Women (Formerly RVTI),
Kazhakuttom, Thiruvananthapuram – 695 582.
Residing at Remyasree, T.C.41/59, Manacaud P.O.,
Thiruvananthapuram – 695 009.
...Review Applicant in RA Nos.48/2018 & 50/2018

(By Advocate Mr.Vishnu S Chempazhanthiyil)

V e r s u s

1. James.J., Workshop Attendant,
Regional Vocational Training Institute for Women,
Kazhakkuttom, Thiruvananthapuram.
R/o.J.J.Bhawan, Kra-79 C, Kurumkulam,
Chenchery, Nalanchira P.O., Trivandrum – 695 015.
2. Union of India represented by the Secretary to the Govt. of India,
Ministry of Skill Development & Entrepreneurship,
2nd Floor, Annexe Building, Shivaji Stadium,
Shaheed Bhagat Singh Marg, Connaught Place,
New Delhi – 110 001.
3. The Director General of Training/Joint Secretary,
Ministry of Skill Development & Entrepreneurship,
2nd Floor, Annexe Building, Shivaji Stadium,
Shaheed Bhagat Singh Marg, Connaught Place,
New Delhi – 110 001.

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4. Director of Training (WT),
Ministry of Skill Development & Entrepreneurship,
DGT, Shram Shakthi Bhavan, Rafi Marg,
New Delhi – 110 001.
5. The Regional Director,
RDAT, CTI Campuz,
Guindy, Chennai – 600 032.
6. The Principal,
Regional Vocational Training Institute for Women,
Kazhakuttom, Thiruvananthapuram,
Kerala – 695 582. ...Review Respondents in RA No.48/2018
7. Valsala Kumari.,
Aged 57 years, Workshop Attendant,
Regional Vocational Training Institute for Women,
Kazhakkuttom, Thiruvananthapuram.
Residing at Thinkalniwas, Elipakuzhi Lane,
House No.5, Sainik School P.O., Trivandrum – 695 585.
8. Union of India represented by the Secretary to the Govt. of India,
Ministry of Skill Development & Entrepreneurship,
2nd Floor, Annexe Building, Shivaji Stadium,
Shaheed Bhagat Singh Marg, Connaught Place,
New Delhi – 110 001.
9. The Director General of Training/Joint Secretary,
Ministry of Skill Development & Entrepreneurship,
2nd Floor, Annexe Building, Shivaji Stadium,
Shaheed Bhagat Singh Marg, Connaught Place,
New Delhi – 110 001.
10. Director of Training (WT),
Ministry of Skill Development & Entrepreneurship,
DGT, Shram Shakthi Bhavan, Rafi Marg,
New Delhi – 110 001.
11. The Regional Director,
RDAT, CTI Campuz,
Guindy, Chennai – 600 032.
12. The Principal,
Regional Vocational Training Institute for Women,

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Kazhakuttom, Thiruvananthapuram,
Kerala – 695 582. ...Review Respondents in RA No.50/2018
(By Advocate Shri K.P.S.Suresh, ACGSS, Shri V.A.Shaji and Sr.PCGC, Shri Thomas Mathew Nellimoottil)

ORDER

HON'BLE MR.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER

The two OA Nos.889/2016 and 910/2016 were disposed of through a common order by this Tribunal dated 16.08.2018. The applicant in OA No.880/2016 had been Shri James J., Wrokshop Attendant, Regional Training Institute for women, Thiruvananthapuram and applicant in OA No.910/2010 was Smt.M.S.Valsala Kumari, also Workshop Attendant in the same unit. Both had been aggrieved by the fact that they were being denied promotion despite having worked for several years in the same post. It was maintained in the OAs that as per the Recruitment Rules in force, 20% of the posts of Vocational Instructor was set apart for promotion. It was further stated that a large number of vacant posts of the promotional cadre VI/JTA/SK existed. After taking due note of the respondents' affirmation that some of these posts were abolished and after hearing the respective counsel, this Tribunal had ordered as follows:

“In the circumstances, we direct Respondent No.2 and 3 to immediately initiate steps for convening DPC and grant promotion to eligible candidates from among Workshop Attendants. We desist from commenting on the eligibility of the respective applicants as this factor may be duly considered by the DPC.”

2. RA 48/2018 and 50/2018 are filed by B.Remeshkumar (Electronic Machines and Equipments) officiating as Storekeeper (National Skill training Institute for Women, Thiruvananthapuram), who is a third party in the

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dispute. He submits in the RA that as per prescribed feeder category the following personnel are eligible for consideration to the post of VI/JTA/SK to be filled 20% by promotion.

"Persons holding the post of Mechanic (Electronics Machines and Equipments), Mechanic (Typing Machines and Equipments), Workshop Attendant, Store Attendant and Library Attendant under Women's Vocational Training Programme Cadre with 16 years service in the grade rendered after appointment thereto on a regular basis and possessing qualifications prescribed for direct recruits in column 8.

Note: In case of candidate holding post of Mechanic (Electronics Machines and Equipments), Mechanic (Typing Machines and Equipments), on the date of commencement of the Rules and eligibility for promotion shall be 8 years after appointment thereto on regular basis."

3. The order in the RA to "convene the DPC to grant promotion to eligible candidates from among Workshop Attendants" is to the detriment of the category to which the review applicant belongs. Such a restriction which is not supported by the Recruitment Rules in force would exclude all categories other than Workshop Attendants from being considered by the DPC for promotion to the next level.

4. The RAs were posted before the Bench and the counsel for the review petitioner as well as for the respondents were heard. Arguments on the lines of the points made in the RA were made. The official respondents represented by their Counsel confirmed that the Recruitment Rules in existence provided for considering the claims of other categories besides that of Workshop Attendants. Being convinced that an error apparent on the face of the record had occurred, we amend operative portion of the order pronounced in OA No.889/2016 and 910/2016 as follows:

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"In the circumstances we direct Respondents-2 and 3 to immediately initiate steps for convening DPC and grant promotion to the eligible candidates in accordance with Recruitment Rules in force. We desist from commenting on the eligibility of the respective applicants in the OAs concerned as this factor may be duly considered by the DPC."

6. RA is dispsoed of as above.

(Dated this the 4th day of October 2018)

**(ASHISH KALIA)
JUDICIAL MEMBER**

**(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER**

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List of Annexures in R.A.No.180/00048/2018 in O.A.No.180/889/2016

1. **Annexure RA-1** – True copy of the order dated 16.8.2018 in O.A.No.180/00889/2016 of the Hon'ble Tribunal.
2. **Annexure RA-2** – True copy of the Directorate of Training (Vocational Training Programme for Women) Group C Technical Posts Recruitment Rules, 1999.

List of Annexures in RA No.180/00050/2018 in OA No.910/2016

1. **Annexure RA-1** – True copy of the order dated 16.8.2018 in O.A.No.180/00910/2016 of the Hon'ble Tribunal.
3. **Annexure RA-2** – True copy of the Directorate of Training (Vocational Training Programme for Women) Group C Technical Posts Recruitment Rules, 1999.
