

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A No. 180/00889/2016

&

O.A No. 180/00910/2016

Thursday, this the 16th day of August, 2018.

CORAM:

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

O.A No. 180/00889/2016

James. J, 57 years,
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. - Applicant

[By Advocate Mr. K.P.S. Suresh]

Versus

1. Union of India represented by the Secretary to the Government of India, Ministry of Skill Development & Entrepreneurship, 2nd Floor, Annexe Building, Shivaji Stadium, Shaheed Bhagat Singh Marg, Connaught Place, New Delhi – 110 001.
2. 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.
3. Director of Training (WT), Ministry of Skill Development & Entrepreneurship, DGT, Sharm Shakthi Bhavan, Rafi Marg, New Delhi – 110 001.
4. The Regional Director, RDAT, CTI Campus, Guindy, Chennai – 600 032.
5. The Principal, Regional Vocational Training Institute for Women, Kazhakuttom, Thiruvananthapuram, Kerala – 695 582. - Respondents

[By Advocate : Mr. Thomas Mathew Nellimoottil, Senior PCGC]

2. O.A No. 180/00910/2016

Valsala Kumari R., 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. - Applicant

[By Advocate Mr. K.P.S. Suresh]

Versus

1. Union of India represented by the Secretary to the Government of India, Ministry of Skill Development & Entrepreneurship, 2nd Floor, Annexe Building, Shivaji Stadium, Shaheed Bhagat Singh Marg, Connaught Place, New Delhi – 110 001.
2. 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.
3. Director of Training (WT), Ministry of Skill Development & Entrepreneurship, DGT, Sharm Shakthi Bhavan, Rafi Marg, New Delhi – 110 001.
4. The Regional Director, RDAT, CTI Campus, Guindy, Chennai – 600 032.
5. The Principal, Regional Vocational Training Institute for Women, Kazhakkuttom, Thiruvananthapuram, Kerala – 695 582. - Respondents

[By Advocate : Mr. V.A. Shaji, ACGSC]

The application having been heard on 10.08.2018, the Tribunal on 16.08.2018 delivered the following:

ORDER

Per: E.K. Bharat Bhushan, Administrative Member

As common questions of law and fact are involved in O.A No. 889/2016 and 910/2016, they are being disposed of through a common order.

2. O.A No. 889/2016 is filed by Shri J. James and O.A No. 910/2016 is filed by Smt Valsala Kumari. R, both Workshop Attendants under respondent No. 5. They are aggrieved by denial of promotion as Vocational Instructor/Junior Technical Assistant/Store Keeper as provided in the Recruitment Rules. Shri James, applicant in O.A No. 889/2016, was appointed as a Workshop Attendant under the 5th respondent Institute on 01.04.1992 on promotion. He has not got any promotion from then onwards despite the next post that of Vocational Instructor providing for a 20% promotional quota. He submits that he has spent more than 24 years in the same post without any promotion whatsoever. He prays for an appropriate order to be issued to the respondents to grant promotion to the applicant relying on the All India Roster for promotions for the post of VI/JTA/SK.

3. Smt Valsala Kumari. R, applicant in O.A No. 910/2016 is identically placed, with the same grievance and had been appointed as a Workshop Attendant on 30.05.1983 as a direct recruit. She had served for more than 33 years in the same post without any promotion. This, despite 20% vacancies of the next post that of the Vocational Instructor, being set apart from Workshop Attendants. The applicant herein also protests that promotions have been given to favoured individuals without considering All India seniority. She also seeks promotion. Further, she also seeks MACP/ACP benefits as granted to other employees.

4. The respondents have filed reply statement admitting the facts relating to the services of the two applicants in the two O.As. In so far as the promotional post of Vocational Instructor is concerned, it is submitted that there are 183 posts of VI/JTA/SK under the respondents. It is also admitted that 20% of the posts are meant to be filled by promotion. Further, out of 86 vacant posts, it is stated that there is a ban on filling up of 36 posts.

5. Heard Mr. K.P.S. Suresh, learned counsel for the applicants, Mr. Thomas Mathew Nellimoottil, learned Senior PCGC for respondents in O.A No. 889/2016 and Mr. V.A. Shaji, learned ACGSC for the respondents in O.A No. 910/2016.

6. The matter lies in a narrow compass. The two applicants have continued in the same level for well over three decades. During final hearing, it was made known by the respondents that 3 ACP/MACP upgradations have been allowed to the applicants. While, in so far as the applicant in O.A 910/2016 is concerned, one specific grievance has been redressed, it is not known why the respondents are not considering promotions to the large number of vacant posts of VI/JTA/SK. They themselves admit that 20% of the posts in the higher category is earmarked for promotion. The respondents state in their reply statement that a small number of posts cannot be filled up due to ban on post. But as far as our knowledge goes, ban is normally applied to direct recruitment and not to promotions.

7. 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.

8. O.A Nos. 889/2016 and 910/2016 are disposed of as above. No order as to costs.

(Dated,August, 2018.)

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K. BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

ax

Applicant's Annexures in O.A No. 889/2016

Annexure A1 - Application to Secretary, MoSD&E dt. 18.07.16.

Annexure A2 - Application to DG/JS dt. 22.06.16

Annexure A3 - Application to Director (WT) dt. 06.07.16

Annexure A4 - Forwarding letter to RD, Chennai dt. 09.07.15

Annexure A5 - CITS training nomination dt. 27/28.04.10

Annexure A6 - Recruitment Rules dt. 26.06.99

Annexure A7 - Revised Seniority List dt. 28.09.14

Annexure A8 - RTI Reply dt. 01.08.13

Annexure A9 - RTI Reply dt. 20.07.16

Annexures of Respondents

Annexure R1 - True copy of letter No. DGET-C-13017/01/2007-WT(Pt) Vol. II dated 31.01.2012.

Applicant's Annexures in O.A No. 910/2016

Annexure A1 - True copy of the representation dated 18.07.16 submitted by the applicant.

Annexure A2 - True copy of the representation dated 22.06.16 submitted by the applicant.

Annexure A3 - True copy of the representation dated nil submitted by the applicant.

Annexure A4 - True copy of the representation dated 05.08.2014 submitted by the applicant.

Annexure A5 - True copy of the Recruitment Rules 1999

Annexure A6 - True copy of the seniority list

Annexure A7 - True copy of the judgment dated 07.01.2011 delivered by the Hon'ble High Court of Karnataka.

Annexure A8 - True copy of the reply issued under RTI dated 01.08.13

Annexure A9 - True copy of the reservation roster 2015.

Annexures of Respondents

NIL
