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CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA



No. OA. 350/00487/2016

Date of Order. 08.12.2016

Present : Hon'ble Justice Shri Vishnu Chandra Gupta, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

R.K. Chakraborty & Ors.
Vs.
Metal & Steel Factory

For the Applicant : Mr. R.K. Jaiswal, Counsel

For the Respondents : Mr. P. Pramanik, Counsel

Order (Oral)

Justice Shri Vishnu Chandra Gupta, Judicial Member

From the documents filed by the learned counsel for applicant in the form of rejoinder affidavit, rejoinder cannot be permitted to be filed to place on record. The documents filed in compliance of the order. The affidavit may be treated as supplementary affidavit and not the rejoinder which is taken on record. In this case the reply has already been filed. Respondents' counsel do not want to file any reply to supplementary affidavit.

2. Heard learned counsel for applicant and learned counsel for respondents.

3. The applicants applied for the post of Group 'C' semi-skilled grade in different trades in view of the advertisement published, which is annexed as Annexure A-1. On line applications have been submitted by the applicants claiming to be ex-serviceman. They are also claiming to have a certificate for eligibility and requisite qualification as contained in the Recruitment Rules. The recruitment rules contained educational and other

qualification required for direct recruits under semi-skilled workman in column 8 at page 56, which reads as under:

"National Council of Trades for Vocational Training Certificate in the relevant trade failing which by ITI or equivalent Diploma certificate holder."

4. The applicant attached the certificate which according to them is equivalent to certificate issued by National Council of Trades for Vocational Training as contained in the certificate itself.

5. It is also contended that the same is also in consonance with the letter of Ministry of Labour and Employment dated 4/13.03.2013 which reads as under:

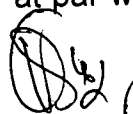
All the Directors of State Govt./UT Administration Dealing with Craftsman/ Apprenticeship Training Scheme clarification – reg.

"Sub: Equation of the trades taught and practiced in the Army, Air Force & Navy with the corresponding trades in the Industrial Training Institutes under the Craftsman/Apprenticeship Training Scheme clarification-reg.

Sir,

This is in continuation of this office letter No. 5/12/77-TC dated 03/03/1978 on the above subject, where in it was conveyed that Government of India, in consultation with the National Council for Training in Vocational Trades which is an statutory body in the matter of laying down standards etc, for imparting training under the Craftsmen Training Scheme and the Apprentices Act- 1961, have equaled various Army, Air Force and Navel Trades with the Industrial Training Institutes trades and the same were already informed through various decisions.

In this regard, it is further clarified that for employment purposes, all States and Central Government Departments shall treat the certificate issued by the respective departments of Army, Air Force and Navy under the provision of this letter at par with the certificates by NCVT/NCTVT."

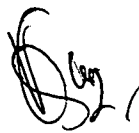


6. It was further contended by the learned counsel for applicant that SRO of 1st November, 1994 of 185 of 94 gives power of relaxation in the case of ex-serviceman to the relevant rules applicable which reads as under:

"Saving- Nothing in these rules shall affect reservations, relaxation of age limit and other concessions required to be provided for the Schedule Caste, the Schedule Tribes, **Ex-Serviceman** and other special categories of persons **in accordance with the orders issued by the Central Government from time to time in this regard.**"

7. It has been stated that in the recruitment rules at note 10 it has been categorically mentioned that "in relation to prescribed qualification under column 8 of this Schedule the question whether a qualification is equivalent to the prescribed qualification for any post shall be decided by the Ordnance Factory Board" and as such it has been contended that the letter issued by the Government in consultation of National Council for Vocational Training Trades have no relevance.

8. At this stage learned counsel for applicant made a request to the Court that in case there is any discrepancies with regard to the certificate that can be resolved by the Ordnance Factory Board not in the light of the aforesaid letter dated 04/13.03.2013 but also after exercising the power conferred for relaxing the requirement of the rules as referred hereinabove in saving clause mentioned hereinabove. So, the respondents may be directed that in case the aforesaid certificate which has been filed by the applicant is not found to be equivalent in the prescribed qualification under the Recruitment Rules then there case also be considered in view of saving clause relating to relaxation of rules.



9. Hence, without commenting on merits of this matter at this stage, we are deciding the petition finally with the direction to the respondents to consider the certificate of the applicant in the light of the order issued by the Central Government on 04/13.03.2013 which has been extracted hereinabove and if it is found that the same is not applicable and is not equivalent as per the recruitment rules, the case of the applicant may also be considered in the light of saving clause of recruitment rules.

10. Till completion of the process of selection for the post or till the decision is taken as directed by this judgment by Ordnance Factory Board for semi-skilled grade, 7 posts shall be kept vacant.

11. With these observations the petition is finally disposed of.



(Jaya Das Gupta)
Administrative Member



(Justice Vishnu Chandra Gupta)
Judicial Member

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