

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

ORIGINAL APPLICATION NO.170/01459/2018

DATED THIS THE 29th DAY OF APRIL, 2019

HON'BLE DR.K.B.SURESH, JUDICIAL MEMBER

HON'BLE SHRI C.V.SANKAR, ADMINISTRATIVE MEMBER

Sudarshan Rama Tandel
S/o Rama Tandel
Aged about 27 years
Residing at Sea Bird Colony Chittakul
Sadashivgad, Karwar (UK)
Karnataka-581 352.

....Applicant

(By Advocate Sri B.S.Venkatesh Kumar)

Vs.

1. Union of India, represented by
Secretary to Government
Ministry of Defence
South Block, DHQ PO
New Delhi-110 011.

2. The Commander-in-Chief
Headquarters
Western Naval Command
New Command Post Building
Tiger Gate, Mumbai-400 023.

3. Flag Officer
Karwar Naval Area
Indian Navy
Karwar-581 308.

....Respondents

(By Advocate Sri V.N.Holla, Sr.CGSC)

O R D E R

(PER HON'BLE SHRI C.V.SANKAR, MEMBER (ADMN))

This is the second round of litigation. The applicant has earlier filed OA.No.457/2016 before the Tribunal which was disposed of on 8.6.2017(Annexure-

A1) remitting the matter to the respondents with a direction to look into the matter with sensitivity and pass appropriate orders. The respondents have passed the order dtd.17.10.2017(Annexure-A2) which was forwarded to the applicant by the 3rd respondent letter dtd.20.10.2017(Annexure-A3) again holding that the applicant is found ineligible for the selection for the post of Rigger. Highly aggrieved by the same, the applicant has again filed the present OA seeking the following relief:

- i) *Call for records of the case from the respondents and on perusal;*
- ii) *Quash and set aside the impugned order dtd.17.10.2017 in No.CS/II/3300/IND/OA-457/16 passed by the second respondent at Annexure A3 as arbitrary, unjust and unsustainable.*
- iii) *Issue a consequential direction to the respondents to appoint the applicant to the post of Rigger against one of the unfilled vacancies more particularly because this Hon'ble Tribunal has already come to the conclusion that the applicant cannot be held to be not eligible.*
- iv) *Grant such other relief/s as this Hon'ble Tribunal deems fit to grant to the applicant in the circumstances of the case along with an order for exemplary costs on the respondents because of their insensitive approach resulting in the applicant being constrained to approach this Hon'ble Tribunal repeatedly interests of justice and equity.*

2. The case of the applicant is that in response to the advertisement published in the Employment News dtd.16-22/08/2013 inviting applications for various posts in the Western Naval Command by the 2nd respondent, the applicant having fulfilled all the eligibility conditions submitted his application for the post of Rigger. After scrutiny of the application, the applicant was directed to appear for recruitment test on 7.9.2015. Having qualified in the written test, he was called for interview. The 2nd respondent issued result sheet vide circular No.03/2016(Annexure-A4) wherein Sl.No.17 pertains to the post of Rigger against which only 13 candidates had been provisionally selected as against 20 posts notified. The name of the applicant did not figure in the said list. Aggrieved by the same, the applicant filed OA.457/2016

wherein the respondents filed reply(Annexure-A5) stating that the applicant did not possess National Apprenticeship Certificate(NAC) at the time of interview and that was the reason for his non-selection for the post applied. The applicant submits that without the apprenticeship certificate, the candidates are not permitted to appear for interview. The respondent took a different stand in that reply itself that the applicant did not rank in the merit list for selection to the post of Rigger. During the course of hearing, the applicant produced the apprenticeship certificate showing that he had secured 74.23 marks. The Tribunal instead of allowing the OA in toto, had remanded the matter to the respondents to look into the matter with sensitivitiy and pass appropriate orders. Now in purported compliance of the Tribunal's order, the respondents have rejected his case inventing a new ground that he submitted NAC for the trade of Fitter and as he has applied for the post of Rigger, he is found ineligible.

3. The applicant further submits that perusal of the syllabus adopted by Govt. of India, Min. of Labour & Employment for 2nd year Fitter trade training under the head Trade Theory would reveal that the candidates are required to undergo training required for performing the work of Riggers like rope binding and knots, ropes, and allied topics(Annexure-A6). In fact the applicant has undergone training in this field and has scored 386 marks out of 520 as can be seen from the copy of the NAC dtd.10.12.2012(Annexure-A7). As the course of Fitter is allied to the one of Rigger, the respondents should have accepted the said certificate and could not have rejected by adopting a rather casual approach. As can be seen from Annexure-A4, there are seven posts which are unfilled and there were vacancies available. The applicant is now aged 27 years and is without any job. He has almost crossed the upper age limit for getting job. Hence, the impugned order is arbitrary, illegal and

liable to be set aside.

4. On the contrary, the respondents have vehemently objected in their reply statement that the applicant had not fulfilled the eligibility criteria. It is on record that the applicant did not possess NAC for 'Rigger' instead had NAC for 'Fitter' which cannot be substituted since they are two different trades. Generally all candidates based on their declaration are called to appear for both written test & interview. At final stage, it was observed that applicant had submitted NAC for the trade of Fitter whereas he applied for the post of Rigger and the requisite certificate is NAC for Rigger trade as per the extant recruitment policy promulgated vide SRO 43/2012(Annexure-R1). Therefore, the applicant was found ineligible for the selection to the post of 'Rigger'.

5. They submit that once the matter was remanded for re-examination by the Tribunal, the matter was re-examined thoroughly with sensitivity and it revealed that Fitter & Rigger are two different trades and accordingly appropriate order was passed at Annexure-A3. A Fitter is capable to fix pump, valves, gear and other mechanical fitting, joint and fixing the leakage whereas Rigger is one of the construction trade which comes under ship building trade group. A Rigger is specialized in lifting and moving of extremely large or heavy objects, often with assistance of crane or chain hoists. They are responsible for setting up all the pulleys and cable systems that are used to move large and heavy objects and depositing them in correct location. Two years mandatory NAC is required for selection in Rigger trade as individual needs to be expert/specialised in carrying out duties as Rigger. Applicant had undergone theoretical knowledge in rigger trade in its training for 2nd year whereas to be an expert in this trade, special practical

training is required which can be acquired by undergoing two year mandatory National Apprenticeship training duration in authorised apprenticeship training institution/school. The applicant had scored 386 marks out of 520 in its trade test Fitter and acquired NAC for one year, thereby he is not suitable for selection in Rigger trade. The List of designated/non-designated trades in Naval Repair yards(Annexure-R2) clearly says that for selection or absorption trade candidate should have completed appropriate period of Apprenticeship Training duration in the trade. Emphasis is laid on the specialisation in specific trade since the selected candidates are employed in Naval Ship Repair Yard where the warships of Indian Navy undergo repairs. Appointing a Fitter to carry out Rigger duties would jeopardize the safety and security of defence assets worth huge amount and would also endanger the life of personnel onboard naval vessels. They relied on the judgment of 1990(4) SLR page 237, *the District Collector & Chairman Vizianagaram (Social Welfare Residential School Society) & Anr. vs. M.Tripura Sundari Devi* (Annexure-R3) in support of their claim.

6. We have heard the Learned Counsel for both the parties and perused the materials placed on record. The matter is in a very very short compass. The applicant has the NAC in Fitter trade and he would like to be appointed as Rigger since apparently he had obtained some theoretical knowledge in his 2nd year Fitter trade training. The respondents have given the details of the two posts and it can be seen that the Rigger trade requires specialised training during the course for NAC and merely studying a few chapters for theoretical knowledge would not be sufficient especially since the job of Rigger requires specialised training in lifting and moving of extremely large or heavy objects by the crane or chain hoists and the Riggers are responsible for setting up all the pulleys and cable systems that are

used to move large and heavy objects and depositing them in the correct location. The selected candidates are to be employed in Naval Ship Repair Yard where the warships of Indian Navy undergo repairs. As rightly contended by the respondents, appointing a Fitter to carry out Rigger duties would jeopardize the safety and security of defence assets procured at huge cost and would endanger the life of the personnel onboard naval vessels. The OA being devoid of merit deserves to be dismissed. Dismissed. No costs.

(C.V.SANKAR)
MEMBER (A)

(DR.K.B.SURESH)
MEMBER (J)

/ps/

Annexures referred by the applicant in OA.No.170/01459/2018

Annexure-A1: Copy of order dtd.8.6.2017 in OA.No.170/00457/2016 passed by this Hon'ble Tribunal

Annexure-A2: Copy of letter dtd.20.10.2017 forwarding the impugned order

Annexure-A3: Copy of impugned order passed by 2nd respondent

Annexure-A4: Copy of result sheet issued by 2nd respondent

Annexure-A5: Copy of reply statement filed in OA.No.170/00457/16

Annexure-A6: Copy of syllabus for Fitter trade theory of Govt of India

Annexure-A7: Copy of National Apprenticeship Certificate dtd.10.12.2012

Annexures with reply statement:

Annexure-R1: Copy of SRO 43/12

Annexure-R2: List of designated/Non-designated Trades in Naval Repair Yards

Annexure-R3: Copy of judgment in 1990(4) SLR page 237
