

OA.No.170/00636/2017/CAT/Bangalore Bench

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

ORIGINAL APPLICATION NO.170/00636/2017

DATED THIS THE 06th DAY OF FEBRUARY, 2019

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

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

Subramanya Narayana Naik,
Aged: 26 years,
S/o NarayanRaya Naik,
Residing at:
Chakrawada, ngadda PO
Karwar – 581 304.

....Applicant

(By Advocate Sri P.Kamalesan)

Vs.

1. Union of India,
Represented by Secretary,
Ministry of Defence (Navy),
101-ASouth Block,
New Delhi – 110 001.
2. Principal Director,
Directorate of Civilian Personnel
The integrated HQ,
Ministry of Defence (Navy)
Yalkatora Annex Building,
First Floor, Room No. 100,
New Delhi – 110 011.
3. The Flag Officer,
Commanding in Chief,
For CSO P&A, HQ,
Western Naval Command,
Ballad pear,
Near Tiger gate,
Naval Dock Yard,
Mumbai – 400 001.
4. The Flag Officer Commanding
Karnataka Naval Area,
(for CSO P&A/SO civil)
HQ KNA, Naval base,
Karwar.

5. Chief Staff officer (P&A)
HQ, Western Naval Command,
Shahid Bhagat Singh Road,
Mumbai – 400 001.

....Respondents

(By Advocate Sri V.N.Holla, Sr.SC for CG)

ORDER

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

The applicant has filed the present OA seeking the following relief:

- a. *Call for records pertaining to the selection of electro platter cadre and Sonar Fitter cadre;*
- b. *Direct the respondents to consider the applicant for the post of electro platter or Sonar fitter.*

2. The facts of the case are as follows:

In pursuance of notification (Annexure-A1) for recruitment of various trades in the Naval Establishment, the applicant applied for the post of Electro Plater and Sonar Fitter as he fulfils the qualification prescribed in the notification. He was called for recruitment test for the post of Electro Plater vide letter at Annexure-A2. He was also called for recruitment test for the post of Sonar Fitter vide letter at Annexure-A3. The examination results for various trades were published by HQ Western Naval Command, Mumbai vide circular No.3/16 wherein the applicant was provisionally selected for the post of Sonar Fitter at Sl.No.21(Annexure-A4) and call letter for pre-appointment formalities for the post of Sonar Fitter was sent to the applicant vide letter dtd.12.4.2016(Annexure-A5). He was sent for medical examination vide letter dtd.9.5.2016(Annexure-A6) and medical certificate dtd.13.5.2016(Annexure-A7) was given by Medical Superintendent, District Surgeon, Karwar District Hospital. The applicant was intimated vide letter dtd.31.3.2017(Annexure-A8) to produce suitable National Apprenticeship Certificate (NAC) for Sonar Fitter as per RTS. He submitted a representation on 18.4.2017(Annexure-A9) to the authorities saying that as he was unable to produce the NAC for Sonar Fitter, he may be considered for the post of Electro Plater as was possessing the qualification for the said post. He has produced certificates viz., KSEEB(Karnataka Secondary Education Examination Board) Certificate, National Trade Certificate issued by Min. of Labour & Employment, Certificate

OA.No.170/00636/2017/CAT/Bangalore Bench of Training issued by Goa Ship Yard Ltd. and National Apprentice Certificate issued by Min. of Labour & Employment(Annexures-A10, A11, A12 & A13 respectively). The applicant submits that even though he possesses the qualification for the Electro Plater post, he was not selected for the post, but instead he was selected for Sonar Fitter for which he was unable to produce NAC. He further submits that in the advertisement, no special qualification was prescribed for the post of Sonar Fitter and after commencement of selection process, the respondents change the qualification and conditions for the post which is unsustainable under law. He fulfils the qualification as prescribed in the Notification. Either he may be considered for the post of Electro Plater or consider him for Sonar Fitter in accordance with notification issued by the respondents. Not considering him for selection/appointment for either of the posts is therefore, arbitrary and illegal. Hence the OA.

3. Per contra, the respondents submit in their reply statement that the applicant had applied for the post of Electroplater (SKL) and Sonar Fitter (SKL) vide Employment News dtd.16-22.8.2014 published by Head Quarters, Western Naval Command(HQWNC). The applicant appeared for written examination for the post of Sonar Fitter and provisionally qualified for the same. Hence, he was called for pre-appointment formalities vide call letter dtd.12.4.2016. In the call letter, it is clearly mentioned that 'the call letter may not be considered as appointment order and the appointment is subject to the condition of producing original certificates/documents and fulfilling the eligibility criteria for the selected post as per the advertisement of 20/57 published in Employment News dtd.16-22.8.2014. Candidature of any individual may be cancelled for the said post, at any stage, if it is found that the individual does not fulfil the eligibility criteria for the advertised post. The decision of the competent authority regarding issuing of appointment order to the individual for the

selected post will be final'.

4. The respondents submit that as per the RTS-2006 (Rationalisation of Trade Structure-2006), the applicant should have completed Apprenticeship Training in Mech. Radio & Radar (Aircraft) for Sonar Fitter Trade and NAC. For the post of Electroplater, he should have completed Apprenticeship training in Electroplater. The applicant had completed NAC in the trade of Electrician. Therefore, the NAC in the trade of Electrician is not suitable for Sonar Fitter trade as well as Electroplater trade as no such provision exists for waiving off the eligibility criteria. The applicant was not selected for the post of Electroplater since the individual possessed NAC of Electrician Trade which is not suitable for the post as per SRO 43/2012 and further technically Electroplater trade is a designated trade in which a candidate requires specific knowledge and years of training skill to know how to change the surface properties of an object to wear resistance & corrosion protection. Candidates coming from this trade have got required skill and knowledge in coating of silver, nickel, chromium, copper etc. of required thickness to metal parts by electrolytic process whereas a candidate possessing NAC for Electrician trade does not have the said required skill and knowledge to work as a electroplater, rather they have knowledge and skill of installing or maintaining a variety of approved wiring method for distribution of electrical light, heat, power and signalling utilisation system as electrician.
5. The applicant was provisionally qualified for Sonar Fitter (SKL) which is non-designated trade that means trade required as per organisation requirement. For final selection, the applicant should have completed Apprenticeship training in Mech. Radio & Radar Aircraft and should have ITI background in Electronic/Mechanic/Mechanic Radio & TV. Generally, sonar is used in

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submarines for detection of object under water by emitting sound pulses and
detecting or measuring their return after being reflected. That is why sonar
fitter trade is a non-designated trade. The applicant had NAC in Electrician
Trade which is not at all relevant to the Sonar Fitter trade. Since the applicant
does not satisfy the qualification prescribed either for the Sonar Fitter or
Electroplater, he has no right to seek for selection and appointment for the
posts applied for. The applicant submitted representation wherein he had not
requested to consider him for the post of Electroplater. Hence, the OA being
devoid of merit is liable to be dismissed.

6. Heard the Learned Counsel for both the parties and perused the materials
placed on record. In this case, for selection to the post of Tradesman
Skilled, the applicant should have completed apprenticeship training and
obtained NAC in the particular trade. The applicant has NAC in the Trade
of Electrician. He has appeared for the exams relating to Sonar Fitter and
Electro Plater. For Sonal Fitter, the trade skills have to be specific to the
organisational requirement and the respondents have specified that the
persons should have completed apprenticeship training in Mech.Radio &
Radar(Aircraft). It is obvious that the applicant does not have the trade
certificate in this particular discipline. In the OA, the applicant has
requested for being considered for the Tradesman Electro Plater for which
the designated trade is Electro Plater. For this also he has not obviously
got the necessary qualification. In fact vide Annexure-A9, he himself has
admitted that he is not able to produce the NAC in Sonar Fitter and
therefore, requested the respondents to consider his appointment based
on the NAC in the Trade of Electrician for which he did not appear in the
exam at all. The case has no merit and hence the OA is dismissed. No
order as to costs.

(C.V.SANKAR)
MEMBER (A)

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

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Annexures referred by the applicant in OA.No.170/00636/2017

Annexure-A1: Copy of the notification dated 16/22.08.2014

Annexure-A2: Copy of the HQ Western Naval Command letter No.
CS(11)2577/RB/1

Annexure-A3: Copy of the HQ Western Naval Command Mumbai letter No.
CS(11)/RB/1

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Annexure-A4: Copy of the HQ Western Naval Command letter No. F.No. CS11/2577/WNC/IND/Rec/Arc Circular No. 3/2016

Annexure-A5: Copy of the HQ, Karnataka Naval Area letter dated 12.04.2016

Annexure-A6: Copy of the HQ Karnataka Naval Area letter dated 09.05.2016

Annexure-A7: Copy of the medical certificate dated 13.05.2016

Annexure-A8: Copy of the HQ Karnataka Naval Area Base, Karwar letter dated 31.03.2017

Annexure-A9: Copy of the representation dated 18.04.2017

Annexure-A10: Copy of the Karnataka Secondary Education Examination Board Certificate

Annexure-A11: Copy of the Notational Trade Certificate issued by Ministry of Labour & Employment

Annexure-A12: Copy of the certificate of Training issued by Goa Shipyard Ltd.

Annexure-A13: Copy of the National Apprentice Certificate

Annexures with reply statement:

-NIL-

Annexures with written arguments note filed by the respondents:

Annexure-R1: SRO-43/12-RR Industrial Posts (Tradesman) Recruitment Rules- (Naval)

Annexure-R2: List of designated and non-designated trades in Naval
