

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00453/2015

Friday, this the 21st day of December, 2018

CORAM:

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

1. M.Sunikumar,
Aged 43 years,
S/o A.Gopala Menon,
Gun Repair Labour (MTS Gun wharf),
NAD Aluva, Sunil Nivas,
Manjummel P.O., Ernakulam.
2. K.S.Suresh,
Aged 44 years,
Gun Repair Labour (MTS Gun wharf),
NAD Aluva,
Kizhakkedath House,
Airapuram P.O.,
3. Ratheesh V.Nair,
Aged 34 years,
S/oVasudevan Nair,
Gun Repair Labour (MTS Gun wharf)
NAD Aluva,
Enandhi House,
NAD P.O., Aluva.
4. G.Jameson,
Aged 47 years,
S/oK.George,
Gun Repair Labour (MTS Gun wharf)
NAD Aluva,
Kunnuthara House,
Ashokapuram P.O.,
Aluva.
5. P.K.Bineesh,

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Aged 42 years,
S/o Kaladharan P.P.,
Gun Repair Labour (MTS Gun wharf)
NAD Aluva,
Pandaraparambil House,
Mulavukad P.O.,
Ernakulam – 682 504.

6. Midhun Antony,
Aged 30 years,
S/o V.J.Anthochan,
Gun Repair Labour (MTS Gun wharf)
NAD Aluva,
Arukuzhiyil House, Pallipuram P.O.,
Cherthala – 688 541.
7. Divya P.B.,
Aged 27 years,
D/o P.Balan,
Gun Repair Labour (MTS Gun wharf)
NAD Aluva,
Pallavayal House,
Kombara, NAD P.O., Aluva.
8. P.S.Sujendra Dutt,
S/o Sudhakaran P.V.,
Gun Repair Labour (MTS Gun wharf),
NAD Aluva,
Pulinguzhy House, Puthur P.O.,
Thrissur 14.
9. Rajeesh C.G.,
Aged 32 years,
S/o C.S.Gopalan,
MTS Gun wharf (Gun Repair Labour)
Naval Armament Depoot, Aluva,
Chalil parambil House,
Edathala (North) P.O., Aluva. ...Applicants

(By Advocate Mr.P.V.Mohanam)

V e r s u s

1. Flag Officer,

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Head quarters,
Southern Naval Command,
Kochi-4.

2. Union of India,
Represented by Secretary,
Ministry of Defence (Navy),
Integrated Head Quarters,
Sena Bhavan, New Delhi-110 001. ...Respondents

(By, Mr.V.A.Shaji, ACGSC for Respondents)

O R D E R

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

The applicants in the OA are Gun Repair labour (MTS Gun wharf), Naval Armament Depot, Aluva, who have appeared for the trade test for promotion to the post of Fitter Armament (SK) and had been declared successful as per Annexure A1. The next post in the hierarchy for which they have qualified is that of Fitter Armament (SK) as per the extant Recruitment Rules. The grievance is against the move on the part of the respondents to fill up the post of Fitter Armament (SK) by direct recruitment of personnel. They seek the following reliefs:

i. To call for the records leading to Annexure A2 and set aside the same in so far as it proposes to fill up the post of Fitter Armament (SK) in Naval Armament Depot Southern Naval Command by direct recruitment.

ii. To direct the respondents to promote the applicants to the post of Fitter Armament (SK) in terms of qualifications obtained by the applicants as discernible by Annexure A1 circular forthwith, with all consequential benefits.

iii. Any other appropriate order or direction as this Hon'ble

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Tribunal deem fit in the interest of justice.

2. The applicants who have long service to their credit as Tradesmen working as Gun Repair Labour, submit that they have acquired adequate experience in relevant armament industry and having qualified in the trade test as per results at Annexure A1, are eligible for promotion to the next level of Fitter Armament. But the respondents without any consideration to the fact that the trade involved is highly specialised and sensitive, are intent of resorting to direct recruitment as seen in the notification, copy of which is at Annexure A2. It is alleged that the Recruitment Rules do not stipulate that the post of Fitter Armament (SK) is to be filled by direct recruitment. In the event that direct recruits are selected for the post, they will be ill-equipped in dealing with explosives and sophisticated weapons of the Naval Armament Depot, thereby affecting the efficiency of the Naval Establishment. By merely making apprenticeship training an eligibility criteria for the post, the respondents are opening the door for unscrupulous individuals trained from private or autonomous institution.

3. The action of the respondents is highly prejudicial to the interest of trained manpower which is languishing at the lower grade despite having come out successful in the Departmental Trade test. The applicants seek the intervention of this Tribunal to prevent the respondents from acting in pursuance of Annexure A2.

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4. In the reply statement filed on behalf of the respondents, the claims of the applicants have been disputed. It is maintained that according to the new Recruitment Rules promulgated vide SRO 43/2012 dated 09.06.2012. The vacancies in Trademan Skilled category in Naval Armament Supply Organisation is to be filled up in 60:40 ratio, 60% by direct recruitment and 40% by promotion, failing which by direct recruitment. According to the new Recruitment Rules, essential qualifications in terms of education as well as trade experience have been spelt out. It is submitted that at this present point that 40% of the vacancies in the category referred to, had been already filled up by granting promotion from among eligible employees from the feeder cadre and this has not been denied by the applicants. Accordingly, action for direct recruitment was initiated by the department when seven eligible employees from among the applicants' category were promoted as Fitter Armament (SK) between 2013 and 2015. In order to ensure that the ratio mentioned in the new Recruitment Rules is implemented, the department had proceeded with filling up vacancies through direct recruitment and Annexure A2 notification was the result of this endeavour.

5. It is admitted that the applicants have qualified in the Departmental test, but this by itself does not bestow any right on the applicants. As per Recruitment Rules, they are eligible to be considered only as part of the 40% quota and will have to await that turn. The contention that the intent behind

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the notification is to select some persons connected with the officers in the respondents' organisation is strongly denied. The direct recruitment being resorted to, is in pursuance to the stipulations in the new Recruitment Rules.

6. Heard Shri P.V.Mohanan and Shri V.A.Shaji, ACGSC for the applicants and respondents respectively. While it remains a fact that the applicants indeed qualified in the Departmental examination, the respondents are required to act in accordance with the extant Recruitment Rules (Annexure R1).

If the claim of the respondents, not denied by the applicants, that the 40% quota for promotion has been fully utilised is true, there is no recourse open to the respondents other than to resort to direct recruitment and this is what they have attempted to do through Annexure A1 notification. Based on this fact, we come to the conclusion that the OA has no merit and is liable to be dismissed. We proceed to do so. However, It will be the task of the respondents to ensure that the ratio which they have themselves quoted is strictly adhered to in future also. No costs.

(Dated this the 21st day of December 2018).

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

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List of Annexures in O.A. No.180/00453/2018

1. **Annexure A1** – True copy of the publication of Trade Test Result of Fitter Armament (SK).
2. **Annexure A2** – True copy of the notification dated 20.12.2014.
3. **Annexure A2(a)** – English Translation of Annexure A2 Compilation No.II.
4. **Annexure R1** – True copy of the SRO 43/2013 dated 09.06.2012.
