

(2014) 07 P&H CK 0364
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 8863 of 2007

Union of India

APPELLANT

Vs

Ranjit Kumar Bhalla

RESPONDENT

Date of Decision : 16-07-2014

Acts Referred:

Administrative Tribunals Act, 1985 — Section 19

Citation : (2014) 07 P&H CK 0364

Hon'ble Judges : Hemant Gupta, J; Fateh Deep Singh, J

Bench : Division Bench

Advocate : Naveen Chopra, Advocate for the Appellant; D.V. Mehta, Advocate for the Respondent

Final Decision : Allowed

Judgement

Hemant Gupta, J.—Challenge in the present writ petition is to an order passed by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (for short "the Tribunal") dated 12th July 2006 (Annexure P-3) whereby an original application filed by the respondents herein (in short "the applicants") u/s 19 of the Administrative Tribunal Act 1985, was allowed.

2. The applicants have claimed pay scale of Rs. 260-400 prior to 1.1.1986 and also the pay scale of Rs. 950-1500 from 1.1.1996 in the skilled category after completion of two years against unskilled category. The Tribunal relied upon a Division Bench judgment of Delhi High Court in CWP No. 1054 of 2001 titled as Union of India and others vs. Hari Ram Shukla (Annexure A-5) to grant such benefit.

3. Learned counsel for the petitioners has vehemently argued that the applicants are not possessed of ITI certificates which is a condition precedent for grant of skilled grade. Reference is made to a circular dated 15.10.1984. The relevant extract reads as under:-

These orders supersede the earlier orders in regard to fitment of the above

categories of workers in the relevant scales of pay from the date of issue of this letter.

Fresh induction to the trades listed in (i) shall be from

a) Semi skilled categories to be identified by you or feeder categories in the pay scale of 210-290 already existing under the present recruitment rules, subject to the workers having rendered a minimum of three years service in the grade and after passing the prescribed trade test, and

b) Direct recruits with ITI certificates/Ex-Trade Apprentices NCVVT etc., inducted in the semi-skilled grade, who have rendered 2 years service in that grade.

4. In the subsequent circular dated 11.1.1985, the qualifications for making direct recruitment to the skilled grade were circulated. Relevant extract reads as under:-

Educational

a) Middle standard/Matric standard as stipulated grade for admission by the ITI's for the concerned trade.

Technical

b) ITI certificate for the concerned Trades/ex-trade Apprentice NCVVT. The newly inducted direct recruits will be recruited in the semi-skilled grade of Rs. 210-290 and on satisfactory completion of two years service in that grade will be considered for promotion to the skilled grade by DPC.

5. We have heard learned counsel for the parties and find that the order of the Tribunal cannot be sustained. Admittedly, the applicants are not possessed of any ITI certificate. Only one of the applicant i.e. Ranjit Kumar Bhalla is middle standard pass whereas the others are not even the middle standard pass. None of them have ITI certificates, though, Ranjit Kumar Bhalla and Babu Ram were visually impaired candidates. In Hari Ram Shukla's Case (Supra), the applicants were possessed of educational qualification required for grant of skilled grade. Therefore, the said judgment has been wrongly applied by the Tribunal in the present case. In Hari Ram Shukla's case (supra), there is a categorical finding that the applicants are visually handicapped and that all the applicants before the Tribunal possessed qualification much higher than the prescribed qualification as they were all eligible and also hold the certificates issued to them by the recognized training institute. Thus, the judgment in Hari Ram Shukla's case (supra) has been wrongly applied by the Tribunal to grant skilled grade to the applicant.

6. The condition of grant of skilled grade is middle standard or matric standard qualification along with the ITI certificates. Only one of the applicant-Ranjit Kumar Bhalla is middle standard but not possessed of ITI certificate. None of the candidates satisfy the parameters for grant of skilled grade.

7. Consequently, the order of the Tribunal granting skilled grade to the applicants cannot be sustained. The same is set aside. However, it is observed that any grant of skilled grade to any of the applicants in terms of the order of the Tribunal shall not be recovered by the petitioner.

8. In view of the above, the writ petition is allowed in terms mentioned above.