

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No. 16877 of 2015 (O&M)

Date of Decision: 09.03.2017

Buta Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mz. Arti, Advocate
for the petitioners.

Mr. Vaibhav Sharma, Deputy Advocate General, Punjab
for the respondents/State.

JASWANT SINGH, J. (ORAL)

Five petitioners, namely, Buta Singh, Dharam Pal, Gurkirat Singh, Pardeep Singh and Jarnail Singh, possess the alternate essential qualifications prescribed for the post of Craft Instructor governed under the Punjab Industrial Training (Class-III) Technical Service Rules 2001 (in short 'Rules 2001'), i.e. National Trade Certificates/National Apprentice Certificates in various trades obtained from Industrial Training Institutes (ITIs).

Their (petitioners) grievance is directed against the memo dated 15.04.2015 (**Annexure P-1**), whereby the posts of Service Providing Trainers, covered and filled up under a Central Sponsored Scheme (CSS), have been directed to be included under the scheme of Craftsmen Training Scheme (CTS) and thereby appointing them as Craft Instructors governed under the Rules 2001.

The petitioners' claim is that the Service Providing Trainers recruited under the Centre of Excellence Scheme (funded by the Central Government), to be adjusted as Craft Instructors, do not fulfill the laid down qualifications of the post of Craft Instructors governed under the Rules 2001. Secondly, it is contended that if they are permitted to be adjusted against the post of Craft Instructors governed under the Rules 2001, their future chances for appointment to the post of Craft Instructors would be seriously prejudiced.

Upon notice, a reply has been filed on behalf of Department of Technical Education and Industrial Training, Punjab.

From the reply, it emerges that the posts of Service Providing Trainers were created and advertised for filling up in the year 2011 and 2013 on contract basis for three years on consolidated salary. The prescribed qualification for the advertised post was Higher National Trade Certificate (HNTC), and the petitioners were not considered eligible as concededly they do not possess the certificate of HNTC in any stream. It is also not disputed that the post of Service Providing Trainer has a higher pay attached to the post than Craft Instructors. It is also stated that the scheme has since been closed by the Central Government, the same has now adopted under the CTS Scheme and the Service Providing Trainers working under the earlier scheme have been adjusted as Craft Instructors against posts separately created for them by providing a pay which is less than the pay which they were drawing earlier but equivalent to the pay covered under the Rules 2001 for the post of Craft Instructors.

After hearing learned counsel for the parties, no case for interference is made out, as firstly, the petitioners would have a right of

consideration against the post of Craft Instructors governed under the Rules 2001 as and when advertised subject to fulfillment of their eligibility conditions. Secondly, by adjusting the Service Providing Trainers as Craft Instructors with lower pay, no prejudice is being caused to the petitioners as the Department has created separate posts in the rank of Craft Instructors for the adjustment of such Service Providing Trainers appointed under the Central Sponsored Scheme.

In view of above, present petition stands dismissed.

March 09, 2017

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**(JASWANT SINGH)
JUDGE**

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No