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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

O.A. NO.1019/2001

This the 30<sup>th</sup> day of October, 2002.

HON'BLE SMT. LAKSHMI SWAMINATHAN, VICE-CHAIRMAN (J)

HON'BLE SHRI V.K.MAJOTRA, MEMBER (A)

1. Jagat Singh S/O Grahan Singh
2. Charanjeet Singh Bhogal  
S/O Balwant Singh Bhogal
3. Maink Chand S/O Motin Lal

(All are working as Electrician  
HS Grade-II, Ordnance Factory,  
Muradnagar, Distt. Ghaziabad,  
PIN-201206).

... Applicants

( By Shri Atul Sharma, Advocate )

-versus-

1. Union of India through  
Secretary, Ministry of Defence,  
Government of India,  
New Delhi-110001.
2. Ordnance Factory Board  
through its Chairman,  
10-A, Shaheed Bhagat Singh Marg,  
Calcutta.
3. General Manager,  
Ordnance Factory, Muradnagar,  
Distt. Ghaziabad-201206.
4. Anoop Kumar Mehra,  
Chargeman Grade-II,  
Ordnance Factory, Muradnagar,  
Distt. Ghaziabad.

... Respondents

( By Shri S. Mohd. Arif, Advocate )

O R D E R

Hon'ble Shri V.K.Majotra, Member (A) :

Applicants 2 and 3 are working as Electrician Highly Skilled Grade-II with respondent No.3 organisation. Applicant No.1 who was also working as Electrician Highly Skilled Grade-II, has retired in 2001. According to applicants, they are seniormost persons

*[Handwritten signature]*

working in that trade and are qualified Wiremen who passed the Electrical Supervisory Competency Test from U.P. and Punjab States. It is alleged that respondents have promoted respondent No.4, Shri Anoop Kumar Mehra, vide Annexure P-1 dated 6.4.2001 arbitrarily to the post of Chargeman Grade-II (Electrical), although he belonged to a different trade, namely, Fitter Refrigeration HS-II and was not eligible for promotion in the electrical trade. Applicants have also impugned the order dated 27.2.2001 (Annexure P-1A) whereby respondents had stated that for promotion to the post of Chargeman-II (Electrical), prescribed qualification was DGOF Supervisory Competency Certificate only. Applicants have sought quashing and setting aside of orders dated 6.4.2001 and 27.2.2001.

0      2. The learned counsel of applicants referred to tradewise seniority list of Master Craftsmen (Annexure P-1 to the rejoinder) stating that applicants' names are included in the electrician trade at sl. nos. 2, 4 and 5 respectively and they had been holding the post w.e.f. 25.6.1984, 7.4.1986 and 9.10.1986 respectively. On the other hand, respondent No.4 is included in the list of Fitters (other sub trades) at sl. no.5 and has been shown as holding the post w.e.f. 16.8.1988.

3. On being asked how applicants have made the joint application, the learned counsel could not explain how. He also admitted that these applicants have not made any application seeking permission to join in a single application in terms of Rule 4 of Central Administrative Tribunal (Procedure) Rules, 1987.

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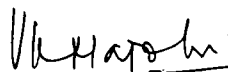
4. Next, the learned counsel stated that Annexure CA-1 dated 29.12.1989 whereby respondents had prescribed qualification of Supervisory Electrical Competency test was not circulated to applicants and, therefore, it cannot be held that since they did not possess the certificate of Supervisory Electrical Competency test, they were not eligible for promotion to the post of Chargeman-II.

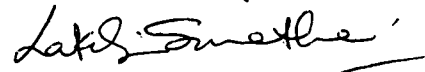
5. In response to the points raised by the learned counsel of applicants, the learned counsel of respondents stated that as applicants did not make any application for joining together, the present OA must fail on this ground alone. In any case, he further stated that applicants had not challenged Annexure CA-1 dated 29.12.1989 whereby Supervisory Electrical Competency test was prescribed as a qualification for promotion to the post of Chargeman-II. The learned counsel further stated that Ordnance Factory Board (OFB) keeps organising Supervisory Electrical Competency tests at periodical intervals for electrical workmen. Whereas respondent No.4 was not the seniormost eligible person in possession of DGOF's Supervisory Electrical Competency test certificate, applicants did not have such certificates and were, therefore, disqualified for promotion. According to the learned counsel, only applicant No.1, who too has retired, appeared in the relevant test held by the OFB in the year 1997 but failed. As such, having appeared and failed in the relevant test, even applicant No.1 was not qualified for consideration for promotion to the post of Chargeman-II.

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6. The admission on behalf of applicants not to have filed any application for joining together under Rule 4 of the Procedure Rules is a ground enough for dismissal of this OA. However, this application must fail on merits also. Admittedly applicants did not possess the DGOF's Supervisory Electrical Competency test certificate. Only applicant No.1 appeared in the year 1997, but failed. Having appeared and failed in the test, he cannot be allowed to challenge respondents' circular dated 29.12.1989 which prescribed passing the Supervisory Electrical Competency test as an eligibility condition for promotion to the post of Chargeman-II. Other applicants have not appeared in any such test till date. As per this circular graduate engineers/diploma holders in electrical discipline can be granted exemption from such a test. These applicants are not eligible for such exemption as they are not graduate engineers/diploma holders in electrical discipline. This circular has been widely circulated and as one of the applicants, namely, Shri Jagat Singh, had appeared in the prescribed test, therefore, the plea of ignorance on behalf of applicants about this circular is unacceptable. As respondent No.4 has attained the eligibility condition of passing Supervisory Electrical Competency test, we cannot find fault with his promotion to the post of Chargeman-II.

7. Having regard to the reasons detailed above, this OA is dismissed. No costs.

  
( V. K. Majotra )  
Member (A)

  
( Smt. Lakshmi Swaminathan )  
Vice-Chairman (J)

/as/