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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BECH, NEW DELHI

O.A. NO. 2999/2001

Friday, this the 2nd day of November, 2001

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. S.A.T. Rizvi, Member (A)

Gajraj Singh Aged about 41 years
Son of late Shri Panna Lal
Working as Labour in Army Hospital
Delhi Cantt.

Resident of:

C/O Narain Singh
66-E/6, Munirika
New Delhi.

..Applicant

(By Advocate: Shri H.P.Chakravorti)

Versus

1. Union of Idia through
the Director General
Medical Services (Army) (Civil)
Army Headquarters PO
New Delhi
2. The Commandent
Army Hospital & R & R,
Delhi Cantt.

..Respondents

O R D E R (ORAL)

Hon'ble Shri S.A.T. Rizvi:

The applicant, who belongs to the OBC category, was appointed as a Carpenter in the 6th Mahar Border Infantry on 20.1.1983. Due to shrinkage of activities in the aforesaid Infantry, the applicant ^{was} ~~was~~ declared surplus and was subsequently deployed as Labour in a Group 'D' post in the Army Hospital at Delhi w.e.f. 13.12.1984. As Carpenter, the applicant was placed in the pay scale of Rs. 260-400/950-1500, whereas as Labour, he was placed in the pay scale of Rs.196-232/750-940/2550-3200. He continues to work as Labour. On 4/10.8.2001 (Annexure A-3), the respondents issued a notice for recruitment to the post of Carpenter. The applicant was a candidate for

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the said post. He appeared in the written test as well as in the viva voce examination on 23.1.2001, but failed to qualify. He prays for a direction to the respondents to consider his case for promotion together with a direction to restrain the respondent-authority from making promotions in pursuance of the aforesaid notice.

2. Having failed in the examination aforesaid, the applicant filed a representation on 23.10.2001 (Annexure A-4) to which no reply has been received.

3. We have considered the matter and find that since, on his own admission, the applicant had failed to qualify in the test held for the post of Carpenter, no case is made out for interference in the present OA. The present OA, therefore, deserves to be dismissed.

4. On submissions made by the learned counsel, we find that, *in terms of pleadings made in the OA,* the applicant is also aggrieved by non-grant of financial upgradation in pursuance of Central Govt.'s Scheme of 9.8.1999 (Annexure A-2). However, he has not, by an oversight, sought relief in respect thereof. The learned counsel submits that the Tribunal might consider directing the respondent-authority to consider the applicant's claim for the grant of financial upgradation in accordance with the aforesaid Scheme, subject to the applicant filing a proper representation in the matter before the respondent-authority. We have considered this submission and find that it would be proper and just to direct the respondent-authority accordingly. The applicant will file a representation in the matter within

two weeks from today. The respondent-authority will consider the representation and pass an appropriate order in the matter within one ^{2 month} ~~month~~ after receiving the representation.

5. The present OA is disposed of in the aforestated terms at the admission stage itself.

6. Registry is directed to send a copy of the OA along with this order to the respondents.

✓ S.A.T. Rizvi

(S.A.T. Rizvi)
Member (A)

/sunil/

Ashok Agarwal
(Ashok Agarwal)
Chairman