

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.802/1998

New Delhi, this 29th day of September, 2000

Hon'ble Shri Kuldip Singh, Member(J)
Hon'ble Shri M.P. Singh, Member(A)

Birbal Singh
Qr.No.44/5, Railway Colony
Kishenganj, Delhi .. Applicant

(By Shri M.L. Sharma, Advocate)

versus

Union of India, through

1. General Manager
Northern Railway
Baroda House, New Delhi
2. Chief Bridge Engineer
Northern Railway
Baroda House, New Delhi
3. Shri R.K. Uppal
Sr. Civil Engineer/BL
N.Rly, Lajpatnagar, New Delhi .. Respondents

(By Shri O.P.Kshatriya, Advocate)

ORDER(oral)

By Shri Kuldip Singh

In this application, applicant has assailed the order dated 12.2.98 by which the respondents have cancelled the trade test conducted on 26.5.97 to 28.5.97 for the post of Motor Driver Gr.II. Applicant contends that the respondents have illegally cancelled this on plea that persons namely S/Shri Ram Sewak and Sarvan Kumar were senior to him and the applicant was not eligible for promotion as Driver Gr.II in the cadre of M/Driver Gr.II.

2. Respondents contend that the said trade test was conducted without complying the requirements of the relevant policy circular, there was no clear cut vacancy in Gr.II and therefore the test conducted was cancelled by order dated 12.2.98.


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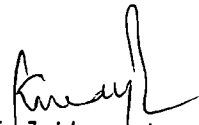
3. We have heard the learned counsel for the applicant as also the respondents. 9

4. As far as seniority is concerned, the applicant has earlier filed OA 1257/97 which was allowed in favour of the applicant and respondents were imposed costs of Rs.4000/- as they have failed to substitute the contentions that Ram Sewak and Sarvan Kumar were senior to the applicant herein. Except the plea of non-availability of vacancy of Driver Gr.II, there is no other plea taken by the respondents in their reply. However, it is an admitted fact that the trade test was conducted from 26 to 28.5.97 as per Annexure A-6 placed on record by the applicant whereby the applicant was called to undertake the test. Thereafter the applicant has also made several representations calling upon the respondents to declare the results but the results have not been declared and ultimately the impugned order cancelling the test was passed. From the perusal of the pleadings, we find there is no ground for cancellation of the trade test. The very fact that order dated 22.4.96/6.5.96 showing Ram Sewak and Sarvan as senior to the applicant has already been set aside by the Tribunal in OA No.1257/97 (supra) is not dispute. The plea taken by the respondents for the cancellation of trade test is not sustainable. *kw*

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4. In view of the above position, we allow this OA and direct the respondents to declare the results of the trade test conducted from 26 to 28.5.97 and if the post of Driver Gr.II is available in the Delhi Region, applicant may be given same based on instructions and rules on the subject, with effect from the date his juniors, if any, were promoted. This exercise shall be completed within a period of three months from the date of receipt of a copy of this order. No costs.


(M.P. Singh)
Member(A)


(Kuldip Singh)
Member(J)

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