

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI.

O.A.No.2393/95

New Delhi this the 4th day of October, 1999.

HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN  
HON'BLE SHRI S.P.BISWAS, MEMBER(A)

Shri Durga Prasad Sharma,  
S/o Sh.Shrikant Sharma,  
R/o 50 B, Guri Angad Nagar,  
Extension, Delhi-91.

.. Applicant

(Present none)

versus

1. Union of India through  
the Secretary,  
Ministry of Communication,  
Department of Telecommunication,  
Sanchar Bhawan, New Delhi.
2. The Asstt. Director General (STC),  
Deptt. of Telecommunication,  
Ministry of Communication,  
Sanchar Bhawan,  
New Delhi.
3. The Slupdt. Engineer (E),  
Telecom Elect.Circle,  
Samrat Bhawan, Ranjit  
Nagar, New Delhi.
4. Sh.Ujagar Singh,  
C/o The Supdt.Engineer (E),  
Telecom. Electrical Circle,  
Samrat Bhawan, New Delhi.

.. Respondents

(Present none)

ORDER (ORAL)

HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN:

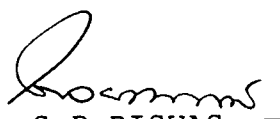
Applicant who commenced his career as an Asstt.Wireman on muster roll basis in the year 1983 was later absorbed in the regular service of the respondents as a regular Khalasi in the year 1987. Respondent No.4 was also similarly absorbed as regular Wireman in the same office. However, the applicant came to know that the 4th respondent had been appointed as Wireman in the year 1993, without considering him for such appointment/promotion. Aggrieved by this, he has filed this

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application for a declaration that the action of the respondents in not appointing/promoting/regularising the applicant as Asstt.Wireman while they appointed respondent No.4 so, is arbitrary and discriminatory and for a direction to the respondents to appoint/promote/regularise the applicant as Asstt.Wireman with all consequential benefits.

2. The respondents resist the claim of the applicant. In the reply statement, they have contended as follows. A trade test and interview were held for selection and appointment to the post of Wireman on 20.8.86 in which the applicant failed and the 4th respondent passed. The fourth respondent, though qualified in the trade test, was not appointed as he had defective colour vision. On the representation of the respondent No.4, the competent authority ordered his appointment as Wireman, relaxing the requirement of perfect colour vision. As the applicant did not qualify in the written test, he is not entitled to challenge the appointment of the 4th respondent or claim promotion with him.

3. On a careful consideration of the facts and circumstances disclosed in the pleadings and on hearing the learned counsel, we do not find any merit in the application. The applicant who did not qualify in the suitability test, has no right to challenge the appointment of the 4th respondent or to claim appointment as Wireman. In the result, the application which is devoid of merits is dismissed, leaving the parties to bear their respective costs.

  
S.P. BISWAS  
MEMBER(A)

  
A.V. HARIDASAN  
VICE CHAIRMAN