

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

O.A. NO. 7810 OF 1995

New Delhi: this the 16th day of December, 1995.

IN THE MATTER OF:

1. Joginder Mehto
s/o Momeger Mehto.
E-1500 Netaji Nagar,
New Delhi.

7. Gobind Singh/s/o
Nandam Singh
65 Jakhnawar Road
New Delhi

2. Pawan Singh
s/o Ram Chan
K-138, Kali Bari Marg,
New Delhi.

3. Padam Singh
s/o Pherw Singh
A-336, Minto Road,
New Delhi.

4. Balbir Singh-II
s/o Zakira Ram,
133, Rouse Avenue, Road,
New Delhi.

5. Madan Singh
s/o Late Ashar Singh
77, Jhangeer Road,
New Delhi-110002.

6. Shiva Singh
s/o Hira Singh
P-1536, Netaji Nagar,
New Delhi-110023.

(By Adv.: Sh. S.C. Luthra & Sh. G.P. ^{Kotha} ... APPLICANTS

versus

1. Union of India
through the Secretary,
Ministry of Urban Development,
Nirman Bhawan, New Delhi-110001.

2. Manager, Govt. of India Press,
Minto Road,
New Delhi-110001.

(By Adv. Shri Madhav Panikar.) ... RESPONDENTS

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COUNSEL.../...

HON'BLE M.R. S.R. ADIGE, VICE CHAIRMAN (A).

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

ORDER

HON'BLE M.R. S.R. ADIGE, VICE CHAIRMAN (A).

The seven applicants in this OA pray for quashing of the whole selection process in pursuance of the trade test held in January, 1995 for the post of off-set Machines Attendants and to direct respondents to hold a fresh trade test on the basis of seniority and only with respect to working of off-set Machines.

2. Respondents in their reply have stated that a circular was issued intimating therewith the dates, times and venue of the trade test. The same were also got noted by concerned candidates under their signatures. Subsequently the trade test was conducted as per schedule in which applicants also appeared, but thereafter in September, 1993 the Recruitment Rules underwent a change because of which it became necessary to call for fresh applicants from amongst the remaining eligible candidates and to conduct another trade test which was held in January, 1995. The combined result of both the trade tests was released and all the successful candidates of the earlier and subsequent trade tests were considered for promotion strictly on the basis of seniority. Respondents state that applicants having failed in the trade test (Annexure-R2) they could not be promoted.

3. No rule or instructions have been cited by applicants to establish that the trade test has to be

held on the basis of seniority alone, and only with respect to the working of off-set Machines. Respondents have emphasised that qualifying in the trade test is an essential condition for promotion, and those who qualified have been promoted on the basis of their seniority. As applicants did not qualify in the trade test, they could not be promoted. Applicants have not been able to rebut these statements successfully to warrant our judicial interference in the OA.

4. In this connection we find that in a subsequent trade test, some, if not all, the applicants have been promoted as Off-set Machines Attendants.
5. In the result the OA is dismissed. No costs.

Lakshmi Smethé
(MRS. LAKSHMI SWAMINATHAN)
MEMBER(J)

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(S.R. ADIGE)
VICE CHAIRMAN(A).

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