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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

O.A.NO.1236/96

New Delhi, this the 14th day of February, 2000.

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)
HON'BLE MR. M.P.SINGH, MEMBER (A)

1. Sh. G.S.Pathak, S/O Sh. B.P.Pathak
2. Sh. Subhash Chander, S/O Sh. Nathu Singh.
3. Sh. Krishna Kumar Sharma, S/O Sh. S.R.Sharma.

Auto Cleaners working as Drivers
under Chief Traction Foreman (OHE)
under Sr. Divisional Electrical
Engineer, New Delhi.

.....Applicants

(By Advocate: Sh. B.S.Mainee through learned
proxy counsel Sh. B.L.Madhok)

VERSUS

Union of India : through

1. The General Manager, Northern
Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager,
Northern Railway, State Entry Road,
New Delhi.
3. The Sr. Divisional Electrical
Enginer (TRD) D.R.M. Office, State
Entry Road, New Delhi.

....Respondents

(By Advocate: Sh. D.S.Jagotra)

O R D E R (ORAL)

By Hon'ble Mrs. Lakshmi Swaminathan, M.(J):

The applicants who are working as Substitute
Auto Cleaners (Group "D") from 1981 ^{8/} and 1983, respectively
are aggrieved by the order passed by the respondents
dated 28.12.95 (Annexure A-1).

2. The applicants had been regularised as
Substitute Auto Cleaners (Group "D") w.e.f. 14.12.89 and
27.10.92. They have claimed that they are qualified

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Drivers having necessary licence and have also been working as Drivers for a long time. Learned proxy counsel for the applicants has submitted that they have worked as Drivers for about five years although they have been paid only Auto-Cleaners in the grade of Rs.750-940/- instead of Rs.950-1500/- which is the grade of Drivers. In the application, the applicants have stated that they are not aware of the reasons why the respondents did not call them for trade test when they had called others in the order dated 28.12.95, but they surmise that perhaps the staff working in Engineering Branch only have been called, the staff working under the Chief Elec. Foreman, like the applicants, have been ignored. However, during the hearing, learned proxy counsel has very vehemently submitted that, in fact, juniors to the applicants have been called for trade test by the impugned order, ignoring their claims in any one of the Departments covered under the impugned order dated 28.12.95.

3. The respondents in their reply have categorically submitted that the seniormost persons who were eligible for trade test as per Class IV inter-se-seniority, had been called for trade test in this order. They have also submitted that they have not received any application for appearing in the trade test, as averred by the applicants, in pursuance of the impugned order. Learned proxy counsel submits that the applications submitted by the applicants was against the general intimation but not against the Annexure A-1 order. In the circumstances of the case, those

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applications need not be looked into consideration in this case for the reason that the applicants themselves have impugned only Annexure A-1 order dated 28.12.95.

4. From the facts mentioned above and the averments made by the applicants, it is clear that what has been impugned in this OA is the Annexure A-1 order dated 28.12.95. The contention of the respondents that no junior to the applicants in the Class-IV inter-se-seniority have been called for trade test, has not been controverted by the applicants by any documents on record. Therefore, we do not find any merit in this application. In future, if the applications are called for trade test for Motor Vehicle Drivers, the applicants may apply subject to their eligibility and suitability, in accordance with the rules and instructions.

5. In the result, OA fails and it is accordingly dismissed. No order as to costs.


(M.P. Singh)
Member (A)

/sunil/


(Smt. Lakshmi Swaminathan)
Member (J)