

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.NO.2074/96

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Smt. Shanta Shastry, Member(A)

New Delhi, this the 23rd day of March, 2000

Sh. Suraj Prakash
s/o late Bhiku Ram
aged about 57 years
r/o 68/4, Kabul Lines
Delhi Cantt. - 10
working as Electrician (SK) in the
office of Garrison Engineer (East)
Delhi Cantt - 10. ... Applicant

(By Shri Lalit Kumar, s/o the applicant in person)

Vs.

1. Union of India through
its Secretary
M/o Defence
South Block
New Delhi.
2. Commander Works Engineer
Delhi Cantt. - 10.
3. Headquarters Western Command
Engineers Branch
Chandimandir - 134 107.
4. Garrison Engineer (East)
Delhi Cantt. - 10. ... Respondents

(By Shri Y.N.Sharma, AE, Departmental Representative
on behalf of the respondents)

O R D E R (Oral)

By Shanta Shastry, Member(A):

Neither the applicant nor his counsel is present. However the applicant's son is present. On behalf of the respondents, Shri Y.N.Saxena, AE, Departmental Representative is present but no counsel is present. This matter relates to 1996. Hence we are proceeding to dispose of the same on the basis of the pleadings which are completed.

2. The applicant, initially appointed as Majdoor, was working as Wireman w.e.f. 2.3.1971. A Trade Test was conducted for promotion to the post of Electrician Highly Skilled Grade-II on 21.10.1994. The applicant was not considered for appearing for the Trade Test. Thereafter the applicant made a representation on 31.10.1994 to the CWE, Delhi Cant., i.e., Respondent No.2. His representation was considered and he was informed that he is junior in the grade of Electrician and hence his name was not included correctly in accordance with the existing instructions vide letter dated 9.12.1995. Thereafter, Trade Test was again conducted on 23.11.1995 for the same post. According to the applicant he was not considered. He submitted a representation on 25.11.1995 against the non inclusion of his name for the Trade Test. According to the applicant, his juniors were promoted as Electrician Highly Skilled Grade-II vide orders dated 26.2.1996 which has been impugned by the applicant. The applicant has sought to quash the impugned orders dated 26.2.1996 and 9.3.1996 and to direct the respondents to consider his name for promotion to the rank of Electrician Highly Skilled Grade-II with all consequential benefits.

3. The respondents have filed their reply. In the reply, it has been submitted that Trade Test of six Electricians was conducted for filling up of two vacancies of Electrician Highly Skilled Grade-II. All the six candidates appeared in Trade Test and were promoted to the grade of Electrician prior to the issue of Govt. of India, Ministry of Defence letter dated 24.6.1987 regarding rationalisation of trades of Industrial Grade of the MES. Hence, all of them were en block senior to existing lineman,

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wireman and SBA. The applicant was re-designated as Electrician (SK) on 24.6.1987 and therefore his seniority was to be counted in the trade of Electrician from that date for purposes of Trade Test for the post of Electrician High Skilled Grade-II. Hence, the applicant's name was not considered for the Trade Test which was held on 21.10.1994. The applicant was called for the Trade Test which was held on 23.11.1995 but the applicant remained absent from the Trade Test and therefore the question of promoting him to the post of Electrician Highly Skilled Grade-II does not arise as passing of the Trade Test is a pre-requisite for promotion.

4. It has been contended on behalf of the applicant that Shri Yuvraj Sharma who was junior to the applicant was called for the Trade Test held on 21.10.1994. The applicant being senior should have been considered first. It is seen from the pleadings that Shri Yuvraj Sharma was promoted as Electrician SK in 1986 whereas the applicant was promoted as Electrician SK only from June, 1987. The applicant had not challenged the seniority of Yuvaraj Sharma in 1986 and therefore he cannot challenge the same at belated stage after 10 years. At the time of the Trade Test, Shri Yuvaraj Sharma was senior to the applicant therefore the contention that Shri Yuvraj Sharma was junior to the applicant does not hold good. The Departmental Representative, who is present in person, appearing on behalf of the respondents, reiterates the pleadings in the counter reply.

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5. We find that the pre-requisite for promotion to the post of Electrician Highly Skilled Grade-II was the passing of the Trade Test. It is true that the applicant was not considered for the Trade Test held on 21.10.1994. However, that was because there were persons senior to the applicant, therefore the applicant could not be called for that Trade Test. He was later on called for the Trade Test on 23.11.1995 but he remained absent. The applicant has denied that he was allowed to appear for the Trade Test in 1995. The Departmental Representative has averred that the applicant was called for the Trade Test on 23.11.1995 but the applicant had failed to avail the Trade Test. Therefore, he has no case considering that he remained absent on his own.

6. In view of the above circumstances, we do not find any merit in the case. The OA is therefore dismissed. No costs.

Shanta Shatry

(SHANTA SHATRY)
MEMBER(A)

V. Rajagopala Reddy

(V. RAJAGOPALA REDDY)
VICE-CHAIRMAN(J)

/rao/