

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.1920/1996

O.A. No.1420/1997

New Delhi this the 1st day of June, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI V. K. MAJOTRA, MEMBER (A)

(1). O.A. NO.1920/1996

1. Ordnance Factory Karmchari Union through
The General Secretary, Sh.N.K.Tyagi
of K.U. Muradnagar, Ghaziabad (U.P)
2. Om Prakash S/o Sh.Nihal Singh
(Working as Labour B in the O.F.Muradnagar)

(2). O.A. No.1420/1997

1. Kunwar Pal Singh S/o Sh.Raghuvansh Singh
2. Kishan Pal Singh S/o Sh.Amar Singh
Ordnance Factory, Murad Nagar
Ghaziabad, U.P.
(Both working as Labour B)

.....Applicants
(In both the OAs)

(By Advocates Shri U.Srivastava and Shri Anil
Singhal,)

-Versus-

1. Union of India, through
Secretary,
Ministry of Defence
South Block, New Delhi.
2. The Chairman
Ordnance Factory Board
10A, Auckland Road,
Calcutta.
3. The General Manager
Ordnance Factory Muradnagar
Ghaziabad (U.P)

... Respondents
(In both the OAs)

(By Advocate Shri V.S.R.Krishna in OA No.1920/1996
&By Advocate Shri S.M.Arif in OA No.1420/1997)

O R D E R (ORAL)

V.K. Majotra, AM:-

In OA No.1920/1996, applicant No.1 is a trade
union, namely Ordnance Factory Karmchari Union. We
find that in the OA particulars and details have been
given regarding the case of applicant No.2 only and

particulars and details of similarly placed persons in general have not been incorporated in the OA. Therefore, applicant No.1 i.e. Ordnance Factory Karmchari Union has no locus standi in the case. Learned counsel for the applicants has submitted that the OA may be deemed to have been presented on behalf of the applicant No.2 only. In the circumstances, claim of applicant No.2 will be considered and that of applicant No.1 is deleted.

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2. The applicants in both the OAs are challenging the validity of the test which took place on 6.9.1996 for filling up the posts of Wireman (Semi skilled) through departmental (Group D) employees vide respondents' order No.215 Annexure A/1 dated 25.7.1996 and amended order vide order No.230 Annexure A/2 dated 13.8.1996.

3. Applicants in both the OAs are Group D employees of the Ordnance Factory Muradnagar, Ghaziabad (U.P) appointed with the respondents as Labour (Unskilled). Whereas applicant Om Prakash in OA No.1920/1996 has been working with effect from June 1982, applicants in OA No.1420/1997, Kunwar Pal Singh and Kishan Pal Singh have been working with the respondents since 1986. In 1986, a trade test was held i.e. DGOF Competency Test for 1985-86. Applicants had appeared and were declared pass as per Annexure A/6. It has been clarified in the same "it may be noted by the individuals that they will have to pass local trade test for promotion in case their promotion is not made within six months from the date

of competency test." In the year 1996 the respondents advertised a few posts of Wireman (semi-skilled) through departmental employees vide order No. 215 dated 25.7.1996, Annexure A/1 in which the age limit was prescribed as not exceeding 35 years. Applicants are aggrieved by the condition relating to age limit. According to them, since they were candidates for the promotional posts, no age limit could be prescribed for the departmental candidates. They claim that in each and every promotion test, the applicants will have the right of consideration for promotion and their seniority cannot be ignored. According to them as per Annexure A/5 dated 27.7.1983 relating to trade test specifications for Wireman, no age limit has been prescribed. They have maintained that Annexure A/5 or the relevant recruitment rules do not prescribe any age limit. Applicants have sought a declaration that the the trade test which was to take place on 6.9.1996 as null and void and a direction to the respondents to make the promotions/redesignation as per seniority and experience as Wireman without imposing any age limit.

4. In their counter, the respondents have stated that sanction for filling up 5 posts of industrial employees in the semi-skilled grade of various trades based on functional requirements for the year 1996-97 by direct recruitment at the level of semi-skilled grade was accorded. In terms of S.R.O. No.185 of 1994, a requisition was sent on 25.7.1996 for two posts of Wireman. Simultaneously departmental candidates fulfilling the requisite qualification including that of age were asked to apply for the post along with Exmployment Exchange sponsored candidates.

The eligibility condition for the post of Wireman as per S.R.O. for direct recruitment is 35 years and for departmental candidates relaxable upto 40 years (45 years for SC/ST candidates). The applicant Shri Om Prakash was overage i.e. above 40 years and was, therefore, not eligible to appear in the test. Applicants Kunwar Pal Singh and Kishan Pal Singh in OA No.1420/1997 were also not allowed to appear in the trade test being overage. The respondents have stated that the trade test specifications claimed to be recruitment rules are not the recruitment rules. The recruitment rules are contained in S.R.O.185 which provide for the age limit.

5. In the counter filed in OA No.1420/1997, the respondents have stated that later on creation of posts in the trade test of Wireman, applicants in that OA were redesignated/promoted as Wireman (semi-skilled) on seniority-cum-fitness basis after qualifying the requisite test which was circulated vide Factory Order Part-I No.242 dated 20.08.1997. The applicants were thereafter redesignated/promoted to the post of Wireman (semi-skilled) with effect from 15.9.1997 vide Factory Order Part-II No. 1699 dated 12.9.1997.

6. The learned counsel for both parties are heard. We have perused the material available on file.

7. The learned counsel for the applicants has contended that the applicants have been working as Labour B (unskilled) with the respondents since

1982/1986 who have been debarred from appearing in the trade test for the post of Wireman (semi-skilled) through departmental Group D employees advertising by Annexure A/1 dated 25.7.1996 read with amendment Annexure A/2 dated 13.8.1996. The learned counsel has admitted that though there is no provision of law under which the age limit prescribed in these advertisements may be waived yet the present OAs may be considered as mercy petitions and the applicants be allowed consideration for the posts of Wireman (semi-skilled) through Departmental (Group D) employees. The learned counswel of the respondents drew our attention to S.R.O.185 dated 1.11.1994 which is Ordnance Factories Group C and Group D Industrial Posts Recruitment Rules, 1994. These rules prescribe the age limit of 30 years for general candidates and 35 years for SC/ST candidates. However, this age limit was relaxed for departmental candidates to 40 years for general candidates and 45 years for SC/ST candidates.

8. Whereas Annexure A-5 dated 27.7.1983 are only trade test specifications of Workman 'A' (H.S.GR.II), they are not the requisite recruitment rules as claimed by the applicants. S.R.O. 185 of 1994 are the relevant recruitment rules which prescribe the age limit for direct recruitment through departmental (Group D) employees. Thus in view of the fact that age limit has been prescribed for becoming eligible for consideration for direct recruitment in semi-skilled grade for departmental candidates which requirement is not fulfilled by the

Applicants. They have been rightly and lawfully denied consideration for the same. The courts have limited powers and are not in a position to help the applicants in any manner towards further relaxation of the age limit in the present case. (16)

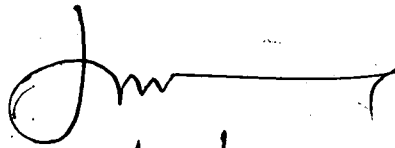
9. In view of the provisions of recruitment rules in the matter and in view of the facts and circumstances of the case as discussed above, we do not find any merit in the OAs. The same are dismissed without any order as to costs.

(V.K. Majotra)
Member (A)

(Ashok Agarwal)
Chairman

sns

Attested true copy.



05/06/2000

(S. R. SHARMA)
Private Secretary
Central Administrative Tribunal
Principal Bench, Faridkot House
New Delhi-10001