

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1931 of 1997

New Delhi, this 7th day of August, 2000

Hon'ble Shri Kuldip Singh, Member, (J)
Hon'ble Smt. Shanta Shastri Member (A)

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Jia Ram
S/o Shri Shiv Prasad
R/o P-34, Village Palanji
Sarojini Nagar, New Delhi

... Applicant

(By Advocate: Shri U. Srivastava)

versus

1. Union of India, through
Secretary
CPWD, Nirman Bhawan, New Delhi.
2. Director General
CPWD (Electric)
Directorate of Works, Nirman Bhawan
New Delhi.

... Respondents

(By Advocate: Shri R.V.Sinha)

ORDER(Oral)

By Shri Kuldip Singh, M(J)

The applicant appears to have been appointed as Beldar in the year 1982 on casual basis and regularised in 1992. He has filed this OA seeking the following reliefs:

i) To declare and direct the respondents that the applicant is entitled for pay in grade Rs.950/- per month as a Carpenter from the date he passed trade test and till now;

ii) To declare that the applicant is legally entitled to be appointed as a Carpenter against the vacant post under the respondents as he has fulfilled all the conditions laid down under the relevant rules.

2. Shri U. Srivastava, learned counsel for the applicant submits that though the applicant was appointed as Beldar but he has been working as a Carpenter ever since his appointment. However, he is

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not being regularised in the post of Carpenter. Learned counsel states that the applicant has passed the Trade Test of Carpenter in the year 1994 and has submitted a certificate ^{issued by} of the Directorate of Training and Technical Education of Delhi Administration to this effect. The applicant belongs to a backward class and in spite of vacancies reserved for the backward class, his case has not been considered.

3. Learned counsel for the applicant has also prayed that the applicant has put in 18 years of service in the post of Beldar. As such he should have been given at least one promotion. He has, therefore, prayed that the applicant is ^{even} ~~however~~ otherwise entitled for promotion under the Assured Career Progression Scheme of the Government of India which came into effect from 10.9.1999 on the basis of the the 5th Pay Commission's report. The Scheme provides that the first promotion may be given after the government servant has put in 12 years of regular service.

4. Shri R.V.Sinha, learned counsel for the respondents submits that the applicant has been engaged on muster roll on daily wage rates in 1982 as Beldar and his services were regularised on work charge establishment as a Beldar from 24.12.1992. He has been working as Beldar though occasionally his services have been deployed with mason/carpenter/plumber and he has never been asked to work as Carpenter independently. Moreover for promotion to the skilled category, Trade Test is

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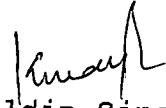
organised by the Regional Coordination Agency from time to time. The passing of the Trade Test does not confirm any right of promotion. The applicant has never passed the Trade Test organised by the department. He appeared in the National Trade Certificate conducted by the National Council for Vocational Training and passed the Test in 1994. However this certificate of the National Trade Council does not confirm any right of promotion in the respondents department. He has to pass the prescribed Trade Test, which he has not done so far.

5. We have heard both the learned counsel for the applicant and the respondents and have perused the pleadings. There is nothing on record to show that the applicant has worked as Carpenter. He was working in the post of Beldar and initially on daily wage basis. It is only in 1992 that he was regularised in the post of Beldar and as such the applicant has no case for regularisation in the higher post of Carpenter for which the prescribed Trade Test has to be passed.

6. The Assured Career Progression Scheme of the Government of India is applicable where a government servant has been in regular service for 12 years. In the applicant's case, since he was regularised only in 1992, he is not eligible for the accelerated promotion, *under ACP Scheme*

7. The OA is, therefore, devoid of merit and is dismissed. No costs.


(Smt. Shanta Shastri)
Member(A)


(Kuldeep Singh)
Member(J)