

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH  
NEW DELHI.

R.A. NO.13/97

IN

O.A.No.2215/95

New Delhi: this the 1<sup>st</sup> day of April, 1997.

HON'BLE MR.S.R.ADIGE, MEMBER(A).

HON'BLE DR.A.VEDAVALLI, MEMBER(J).

Shri L.P.Mishra,  
S/o Shri H.P.Mishra,  
R/o  
C-42/D, Railway Colony,  
Lajpat Nagar,  
New Delhi

..... Applicant.

Versus

1. Union of India through  
The Ex-Officio Principal Secretary  
to the Govt. of India,  
Ministry of Railways & the Chairman,  
Railway Board,  
Rail Bhawan,  
New Delhi.
2. The General Manager,  
Northern Railway,  
Baroda House,  
New Delhi - 110 001.
3. The Chief Administrative Officer (Construction)  
Northern Railway,  
Kashmiri Gate,  
New Delhi

.... Respondents.

ORDER (BY CIRCULATION)

BY HON'BLE MR.S.R.ADIGE MEMBER(A).

Perused the R.A.

2. Applicant seeks regularisation as Vehicle Driver which is a Group 'C' post w.e.f. 1.1.81 but he has not denied respondents' avement in para 1 of the reply that he was called for screening in 1981 but failed in the trade test and was consequently not regularised as Driver in 1981. Again he was called for screening in 1993 but did not offer himself for screening and again he was called for

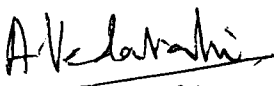
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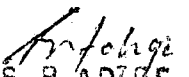
screening in 1995, but instead of offering himself for screening he filed O.A.No.2215/95. The<sup>se</sup> averments have not been denied by applicant.

3. Even in the R.A. applicant admits that passing of Trade Test is essential for regularisation as Driver. In the R.A., it has been contended that applicant was declared fit as Mechanic -cum-Driver in Screening Test held on 4.1.81, but this is a mere bald averment and is not supported by any materials on record.

4. Furthermore there is no specific denial in applicant's rejoinder to respondents' reply that the post of Driver is a promotion post which is filled up by regularly appointed Class IV employees as per promotion quota. Applicant has sought to invoke the rules regarding filling up of the posts of skilled Artisan; 50% by promotion based on trade test, 25% on merit based on departmental competition exam; and 25% through direct recruitment. No materials were produced before us during hearing to establish that these rules were applicable in the case of Drivers, but even if they were so, no blanket direction could have been issued to respondents to consider applicant either against the quota to be filled by departmental exam; or the 25% to be filled by direct recruitment, as applicant would have to compete with others.

5. In the circumstances, the R.A. is rejected.

  
( DR.A.VEDAVALLI )  
MEMBER(J)

  
( S.R.ADIGE )  
MEMBER(A).