

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH
NEW DELHI.

O. A. No. 2185 of 1989

New Delhi, this the 18th day of May, 1994.

Hon'ble Mr B. N. Dhoundiyal, Member(A).

Hon'ble Mrs Lakshmi Swaminathan, Member(J)

Kanwal Singh Gulia, son of
Shri Sultan Singh,
R/O RZ-3, Brahampuri, Pankha Road,
Nangal Raya, New Delhi-40.

..... applicant.

(through Mr Q. P. Sood, Advocate).

vs.

1. Union of India,
through Secretary, Ministry of Defence,
New Delhi.
2. O.I.C.,
E.M.E. Records,
Secunderabad(A.P.P)
3. Commandant
505 Army Base Workshop
Delhi Cantt-10.

..... respondents.

(through Mr Madhav Panikar, Advocate).

ORDER

Sh. B. N. Dhoundiyal, Member(A)

The applicant is working as Master Craftsman in 505 Army Base Workshop EME Delhi Cantt. He has filed this O.A. seeking directions to the respondents to promote him to the post of Senior Chargeman, Electrician(Part-II Cadre) on his success in the trade test.

2. The main averments in the O.A. are these. The applicant worked as a Sepoy(Electrician) in the E.M.E. Corps from January, 1967 to March, 1974. Thereafter,

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on 17.7.1982, a notification inviting applications for the vacancies of Senior Chargeman against the direct recruitment quota of 33.1% was published. The notification included one vacancy of Senior Chargeman (Elect.) MV, meant for general category. The trade tests were conducted on 22.7.1982 and 23.7.1982, followed by interview by a selection committee. According to the applicant, he was successful but in the order issued by the selection Board, he was wrongly shown as recommended for selection of Chargeman (Electrician). In support of his contention, he has cited letter dated 12th September, 1986, wherein it is stated that the applicant has passed the Chargeman and Senior Chargeman (Elec.) test for direct recruitment quota but could not be promoted due to problems envisaged in letter dated 26.11.1982 and the ban on recruitment. The letter states that he should be given further chance to become Senior Chargeman/chargeman as the case may be, when the ban on recruitment is lifted (Ann: A-1). He has referred to a number of letters exchanged between different Units, including the letter dated 26.9.1988 from the Commandant 505 Army Based Workshop to E.M.E. Records office, Secunderabad, wherein it is stated that the above-mentioned test was held, the applicant was within the age limit. The letter recommends that an early scrutiny of the case may be done so that the applicant can be employed as Senior Chargeman (Electrician). In their letter dated 29.11.1988, E.M.E. (R) rejected the claim of the applicant on the ground that he was over age for the test held in June, 1983. The applicant seeks a direction to the respondents to promote him as a Senior Chargeman with all consequential benefits.

3. In the counter-affidavit filed by the respondents, the main averments are these. The Board of Officers, which assembled on 22nd and 23rd July, 1982 recommended the applicant for the post of Chargeman Part-II Cadre. Though one vacancy of Chargeman Part-II cadre Trade Group 2(d) was released yet it was reserved for S. C. community. Hence, the applicant could not be appointed as Chargeman Part II Cadre. Another Board was convened on 16.5.1983 for selection of candidates against the vacancies released. The applicant participated in the test and was shown in the waiting list and Shri Narendra Singh, who secured higher marks was selected. Subsequently, the Government had imposed a ban on direct recruitment w.e.f. 3.1.1984. In January, 1988 one vacancy of Senior Chargeman was released but when the papers submitted by the applicant were examined, the applicant was found ^{as} over-age also in the waiting list. Shri Narendra Singh Kohli was appointed against this vacancy. The respondents have denied that in the earlier test held in July, 1982, the applicant was selected for a post of Senior Chargeman. Vacancies remained un-filled by direct recruitment as on 20.11.1985. These were converted into promotional vacancies as one-time measure. Against these vacancies, promotions were ordered in respect of the employees who had passed the prescribed supervisory trade test. As the applicant had not passed the Supervisory trade test, he was not promoted.

4. We have gone through the records of the case and heard the learned counsel for the parties. The learned counsel for the applicant has argued that as Master Craftsman, the applicant was in the scale of

Rs. 425-650 and it is difficult to believe that he was competing for the post of Chageman in the grade of Rs. 380-560. The learned counsel for the respondents has argued that in this O.A., the issue of non-implementation of the selection held in July, 1982 is raised. The application was filed only in October, 1989. It is, therefore, time barred. Letter dated 29.11.1988 will also not help the applicant in his claim for appointment on the basis of the test held in June, 1983, which has been rejected on the ground of being over-age. This order has not been challenged in the present O.A., which refers to the trade test of 1982 only.

5. We hold that this application is clearly time barred and no relief can be given to the applicant. The application is, therefore, dismissed.

Lakshmi Swaminathan
(Mrs Lakshmi Swaminathan)
Member(J)

B. N. Dhoundiyal
(B.N.Dhoundiyal)
Member(A)

/sds/