

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

~~XXXXXXXXXXXX~~
PRINCIPAL BENCH

RA 44/92 in O. A. No.
~~XXXXXX~~

2325/89 ~~2100~~

DATE OF DECISION

18.2.92

Mannu Lal Meena

Applicant (s)

B.S.Maine

Advocate for the Applicant (s)

Versus

The Divisional Railway

Respondent (s)

Manager, Northern Railway
New Delhi

Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. S.P.Mukerji - Vice Chairman

*and

The Hon'ble Mr. J.P.Sharma - Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? ✓
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement? ✓
4. To be circulated to all Benches of the Tribunal?

JUDGEMENT

(Hon'ble Shri S.P.Mukerji, Vice Chairman)

In this Review Application the Review Applicant has sought review of our order dated 5.12.91 in O.A.2325/89 on the ground that the following observations made in para 5 of the judgment is not factually correct:

"When he was invited to appear in such a trade test, the applicant on his own did not participate."

The applicant has supported his averment on the basis of the following extracts from para 4.7 of the counter affidavit which reads as follows:

"The applicant had already qualified the trade test; hence his appearing again did not arise."

It has been argued that since he had already qualified in the trade test the question of his participating in another trade test did not arise.

2. I have gone through our aforesaid judgment and find that no case is made out for review of the judgment. The judgment makes it clear that the applicant had been trade tested for a local arrangement and not ^{via} Division-wise trade test which alone would ^{have to} be ^{passed} for regular promotion. The fact remain that the applicant voluntarily did not participate in the regular trade test. The inter-departmental communication or impression that he need not appear in another trade test does not entitle anyone to avoid regular trade test. The decision of the Full Bench referred to in para 7 of the Review Application does not help the Review Applicant as the Full Bench observed that an adhoc appointee has to be given several opportunities to qualify in the regular test. It is not the applicant's case that he wanted to appear in the regular test but was prevented from doing so. He ^{was} somehow got the ^{wishful} impression that having passed the trade test for local arrangement, he need not appear in the regular trade test. An adhoc appointee has no title to hold a post in preference to those who are regularly appointed.

3. In the circumstances I see no force in the Review Application and if Hon'ble Judicial Member agrees with me, the Review Application may be dismissed in circulation.

I agree.

J. P. Sharma

Hon'ble Shri J.P.Sharma, 18.2.92
Judicial Member

S.P. Mikerji
(S.P.Mikerji)
Vice Chairman