

Central Administrative Tribunal  
Principal Bench, New Delhi

OA-384/90

New Delhi this the 12<sup>th</sup> Day of July 1994

Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman  
Hon'ble Mr. B.N. Dhoundiyal, Member(A)

1. Shri Gurmukh Singh,  
S/o Shri Amar Singh,  
Diesel Fitter,  
Diesel Shed,  
Northern Railway,  
Shakur Basti,  
Delhi.

2. Shri Chhatar Pal,  
S/o Shri Munni Lal,  
Diesel Fitter,  
Diesel Shed,  
Northern Railway,  
Shakur Basti,  
Delhi.

Applicants

(by advocate Sh. B.S. Mainee)

versus

1. Union of India, through  
The General Manager,  
Northern Railway,  
Baroda House,  
New Delhi.

2. The Divl. Railway Manager,  
Northern Railway,  
State Entry Road,  
New Delhi.

Respondents

(by advocate Sh. O.P. Kshatriya)

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

This O.A. has been filed by S/Shri Gurmukh Singh and Chhatar Pal, Diesel Fitter<sup>End</sup> in the Northern Railway against the impugned order dated March, 1989 passed by the Divisional Railway Manager, Northern Railway, New Delhi.

The main grievance of the applicants is that they have failed in the trade test for promotion to the post of Diesel Fitter in January, 1974 and in accordance with the Railway Board's letter dated 7.7.1979, they

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should have been given further chances to qualify for promotion after a lapse of six months from the date of last test. Even though vacancies for diesel fitters were existing, they were trade tested in June, 1976 when they were declared successful and were promoted as Diesel Fitters. Meanwhile, some how some steam staff who were converted into diesel cadre and were sent for training to Tuglakabad for one year in September, 1973, were promoted as Diesel Fitters in September, 1974. On an opportunity being given to the applicants to pass the trade test in July, 1974, they would have become senior to those who came from the steam staff and those who were promoted as Diesel Fitters in September, 1974.

In the counter-affidavit filed on behalf of the respondents, the main averments are these. The trade tests are conducted on occurrence of vacancies only and during June, 1974 till the date of promotion of the applicants in June, 1976, no vacancy had arisen. The steam staff who were senior to the applicants were required to be adjusted after their completion of training for diesel site and only thereafter the applicants could be promoted after the trade test.

We have gone through the records of the case and heard the learned counsel for the parties.

The impugned order dated March, 1989 (Annexure A-1) is self explanatory. The relevant extracts are given below:-

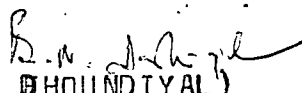
"Sh. Gurmukh Singh & Chhatar Pal were trade tested for Diesel Fitter Grade-III in Jan.-74 alongwith others. S/Sh. Gurmukh Singh and Chhatar Pal failed in this trade test. Meanwhile, a batch of Khalasis drafted from the steam side completed one year's diesel training in May-74. They were trade tested in May-74 for the post of Fitter Grade-III. At that time S/Sh. Gurmukh Singh and Chhatar Pal were not eligible for re-test

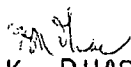
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since only a period of 4 months had passed since their failure in Jan:-74. The promotion orders of the 55 fitters promoted on the steam side were issued in September, 1974. The delay in issue of promotion orders was for completing procedural requirement."

There is no reason to disbelieve the averment made by the respondents that khalasis from steam side were trade tested in May, 1974. By that time, six months time had not elapsed after the failure of the applicants in the January test.

In the facts and circumstances of the case, the applicants are not entitled to succeed and the application is hereby dismissed with no order as to costs.

  
(B. N. GHOUNDIYAL)  
MEMBER(A)

  
(S. K. DHAON)  
VICE CHAIRMAN

/vv/