

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

O.A. No. 2065 of 1991

New Delhi, dated the 20th Sept. 1995

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

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

1. Shri Chander Mohan Sethi,
S/o Shri S.L. Sethi,
R/o H.No. 4698 Shora Kothi,
pahar Ganj Main Bazaar,
New Delhi-110055.
2. Shri Shambhu Nath
S/o Shri Rambahan
3. Shri Chander prakash
S/o Shri Har Dev Singh
4. Shri Harish Chander
S/o Shri Satya pal
5. Shri Bishambir Singh
S/o Shri Bedhamber Singh
6. Shri Ram pratap Dubey,
S/o Shri Ram Dhuri Dubey
7. Shri Upendra Kanti
S/o Shri Nageshwar Kanti
8. Shri Radhey Shyam
S/o Shri Ram Chander
9. Shri Lallu prasad
S/o Shri Hari Nath
10. Shri Amrit Lal
S/o Shri Ramanand
11. Shri pradeep Kumar
S/o Shri Rakshit
12. Shri Bakhori Lal,
S/o Shri Charan Lal
13. Shri Balbir Singh
S/o Shri Mulak Raj
14. Shri puran Chand
S/o Shri Gopi
15. Shri Ashok Kumar
S/o Shri Seethal prasad
16. Shri Raj Ram
S/o Shri Ram Adhar
17. Shri K. Shivasubramaniam
S/o Shri P.R. Krishnamurthy
18. Shri Basudev Ram
S/o Shri Suraj Ram
19. Shri T.N. Sukumaran Nair
S/o Shri T.K. Narayanan Nair

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20. Shri Malkit Singh
S/o Shri Munshi Ram ... APPLICANTS
(By Advocate: Shri B.S. Mainee)

VERSUS

1. The General Manager,
Northern Railway,
New Delhi.
 2. The Divisional Railway Manager,
Northern Railway,
New Delhi.
 3. The Chief Electrical Foreman (Train Lighting)
Northern Railway,
New Delhi. ... RESPONDENTS
- (By Advocate: Shri B.K. Aggarwal)

ORDER (ORAL)

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

In this application Shri Chander Mohan Sethi and 19 others, all helper Khallasis working under the Chief Electrical Foreman (Train Lighting), Northern Railway have prayed for a direction to the Respondents to hold the trade test for them for the promotion post of ^{Fitter A} ~~Assistant~~ and to promote them from the dates ^{their} ~~the~~ juniors were promoted, alongwith consequential benefits.

2. The applicants' case is that they passed the aptitude test for the post of helper Khallasi and ^{were} ~~was~~ appointed to officiate as such vide orders dated 5.9.86 (Annexure A.2) while a number of ^{persons} junior to them were appointed to officiate as helper khallasis from a subsequent date, but the latter have been trade tested for the post of fitter and promoted, while the applicants have been ignored. In this connection

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some of the persons allegedly junior to the applicants who were trade tested for the post of fitter and promoted have been mentioned at Annexure A.1 of the O.A.

3. The reply of the respondents does not specifically ^{mean} ~~mean~~ the allegations contained in the O.A., that persons who were appointed to officiate as helper khallasi subsequent to the applicants have been trade tested and promoted as fitters, while the applicants themselves have been ignored.

4. We have heard Shri B.S. Mainee counsel for the applicants and Shri B.K. Aggarwal counsel for the Respondents. We have also perused the materials on record, including the respondents' orders dated 5.9.86 appointing the applicants to officiate as helper khallasi from ~~the~~ even date and the Respondents' orders dated 20.9.88 appointing the persons mentioned at Annexure A.1 to officiate as helper khallasi from a subsequent date i.e. 20.9.88. Thus prima facie it would appear on the basis of the available records that S/Shri Hargobind Pant, Rajender Kumar, Om parkash and Ram Kishan who were promoted as helper khallasi subsequent to the applicants have been trade tested and promoted as fitters, while the applicants themselves have not been trade tested and promoted as fitters. Shri B.K. Aggarwal has stated at the bar ^{that} despite his best efforts he has not been able to procure the relevant integrated seniority list, showing the position

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of the applicants vis-a-vis Shri Hargobind pant and others. It is true that in paragraph 4.9 of their reply the respondents have stated that the applicants were informed that no one junior to them was promoted prior to them, but this statement does not fully explain the circumstances how if the applicants were promoted as helper Khallasi in 1986 and Hargobind pant and others in 1988, the latter were trade tested and promoted as Fitters, while the applicants were not even trade tested.

5. In this connection we further note that the applicants are themselves ^{fairly} ~~themselves~~ low down in the promotion order dated 5.9.86 in as much as the senior most amongst them Shri Amrit Lal, is at Sl.No.78 of that order. Thus there appears to be 77 persons in the promotion order of 5.9.86 itself who would rank senior to the applicants, assuming that this order is in accordance with seniority.

6. Under the circumstances after hearing the counsel for both parties and perusing the materials on record we dispose of this O.A. by directing the respondents to hold ^{an} trade test for the post of Fitter as per rules, for all the eligible helper khallasias who were senior to ~~Shri~~ Hargobind pant ^{and as, and} who have not so far been trade tested. Those eligible candidates who successfully clear the trade test ^{and} who otherwise qualify

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for regularisation should there⁴ be
considered for regularisation against available
vacancies in the promotion quota in the light
of the relevant rules on the subject. No costs.

A. Veda Valli

(DR. A. VEDAVALLI)
Member (J)

/GK/

S. R. Adige
(S.R. ADIGE)
Member (A)