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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA.No.2071/91

Dated this the 4th day of August, 1995.

Hon'ble Shri S.R. Adige, Member(A)

Hon'ble Dr. A.Vedavalli, Member(J)

1. Shri Ram Kishan
S/o Shri Son Pal,
R/o 219, Type-I, Press Colony,
Mayapuri, New Delhi 110 064.
2. Shri Raghubir Singh,
S/o Shri Kure Ram,
R/o 123, Malikpur, Kingsway Camp,
New Delhi.
3. Shri Sri Ram,
S/o Shri Moti Lal,
Type-II, Press Colony,
Mayapuri, New Delhi 110 064. ...Applicants

By Advocate: Shri B.S. Charya.

versus

1. Government of India Press
Mayapuri, New Delhi
Through its Manager.
2. The Director for Printing & Stationery,
Directorate of Printing and Stationery,
Nirman Bhawan, New Delhi.
3. Union of India,
Ministry of Urban Development,
Nirman Bhawan, New Delhi
Through its Secretary. ...Respondents

By Advocate: None.

O R D E R (Oral)
(By Shri S.R. Adige)

In this application, Shri Ram Kishan and two others have prayed for setting aside the impugned circular dated 6.9.91 (Annexure P1) calling upon them to subject themselves to a trade test to adjudicate the suitability for the post of Machine Assistant.

2. Shortly stated, the applicants contend that they had been trade tested for the post of Machine Assistant in 1987 itself, and therefore, were

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not required to submit themselves for the trade test for adjudicating their suitability for the post of Machine Assistant.

3. We have heard the learned counsel for the applicants Shri B.S. Charya. None appeared for the respondents. As this is a very old case, we proceed to dispose it of on the basis of the submissions made by the learned counsel for the applicants Shri B.S.Charya and the materials on record, including the respondents reply.

4. From that reply, it appears that the applicants have already been promoted on the basis of the 1987 trade test w.e.f. 1991. Hence the relief 'A' sought for by the applicants has been met with.

5. However, in relief 'B' the applicants have sought promotion from September 1987 in case of applicants No.1 & 2 and November/December 1988 in case of applicant No.3. Shri B.S. Charya has stated at the bar that all the three applicants had passed the trade test in September 1987 and two posts of Machine Assistant were available in September 1987 itself against which applicants No.1 & 2 could be adjusted, and one post became available in November/December 1988 against which applicant No.3 could be adjusted. There are no materials in the respondents reply to confirm or deny the vacancy position as aver^red above by Shri Charya, and none appeared on behalf of the respondents to throw—light on the same.


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6. In the circumstances, in respect of this relief prayed for, we direct that in the event that two vacancies of Machine Assistant were available in September 1987 for adjusting the applicants No.1 & 2, and one vacancy was available in November/December 1988 for adjusting the applicant No.3 as avered by Shri Charya, and the rights of none others are adversely affected, and further subject to the three applicants being otherwise fully qualified in terms of educational qualification, length of experience etc., the respondents should examine reckoning the promotion of the three applicants from September 1987 and November/December 1988 respectively as prayed for by them, and in the event that after such examination the applicants are so promoted, they would be entitled to such consequential benefits as may be admissible in accordance with law.

7. These directions should be implemented by means of a detailed, speaking and reasoned order within three months from the date of receipt of a copy of this judgement.

6. The OA is disposed of accordingly. No costs.


(DR. A. VEDAVALLI)
MEMBER(J)


(S.R. ADIGE)
MEMBER(A)

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