

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 04th day of August, 2004.

Original Application No. 1422-A of 1998.

With

Original Application No. 1424 of 1998

With

Original Application No. 1427 of 1998.

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman.
Hon'ble Mr. D.R. Tiwari, Member-A.

1. Gopal Chandra Gupta a/a 50 years,
S/o Late B.L. Gupta, R/o working as Electrician
Skilled, Office of the Garrison Engineer, E/M,
Chakeri, Kanpur.
2. P.N. Jha, a/a 48 years, S/o Late Gaya Din Jha,
Working as Electircian Skilled, Office of the
Garrison Engineer E/M, Chakeri, Kanpur.
3. Jai Shankar Azad a/a 46 years, S/o Sri Mohan Lal,
Working as Electrician Skilled, Office of the
Garrison Engineer E/M, Chakeri, Kanpur.
4. Dayanand Singh Rathor, a/a 52 years,
S/o Late K.S. Rathor, Working as Electrician Skilled,
Office of the Garrison Engineer E/M,
Chakeri, Kanpur.

.....Applicants in OA 1422-A/1998

Counsel for the V E R A S T U S

1. Union of India through the Chief Engineer,
Central Command, Lucknow.
2. The Chief Engineer, Lucknow Zone, Lucknow.
3. The Chief Engineer, Air Force,
Bamrauli, Allahabad.
4. The Commander Works Engineer,
Air Force, Chakeri, Kanpur.
5. Sri Ram Deo, MES No. 454846, working as
Electrician Highly Skilled Gr. II office of
the Garrison Engineer B/R, Chakeri, Kanpur.
6. Sri Laxmi Narain, MES No. 459381 working as
Ran

Electrician Highly Skilled Gr. II, office of the Garrison Engineer, B/R, Chakeri, Kanpur.

7. Sri Guru Charan Das MES No. 471453, working as Electrician Highly Skilled Gr. II, office of the Garrison Engineer, B/R, Chakeri, Kanpur.
8. Sri Ashok Kumar Kaul MES No. 471451, Working as Electrician Highly Skilled Gr. II, Office of the Garrison Engineer B/R, Chakeri, Kanpur.

.....Respondents in O.A 1422-A/98

Ram Niwas Mishra a/a 50 years, S/o Late B. Mishra R/o working as Electrician Highly Skilled Gr. II, Office of the Garrison Engineer E/M, Chakeri, Kanpur.

.....Applicant in O.A 1424/98.

V E R S U S

1. Union of India through the Chief Engineer, Central Command, Lucknow.
2. The Chief Engineer, Lucknow Zone, Lucknow.
3. The Chief Engineer, Air Force, Bamrauli, Allahabad.
4. The Commander Works Engineer, Air Force, Chakeri, Kanpur.

.....Respondents in O.A 1424/98

1. Ram Shankar a/a 54 years S/o Late Chiller, working as Mate, office of the Garrison Engineer, B/R, Chakeri, Kanpur.
2. Surendra Nath a/a 50 years, S/o Sri Ghori Lal Working as Fitter Highly Skilled Gr. II office of the Garrison Engineer, E/M, Chakeri, Kanpur.
3. Bhuvan Chandra a/a 48 years S/o Late Tara Dutt Tewari Working as Painter, Office of the Garrison Engineer, E/M, Chakeri, Kanpur.

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.....Applicants in O.A 1427/98

V E R S U S

1. Union of India through the Chief Engineer, Central Command, Lucknow.
2. The Chief Engineer, Lucknow Zone, Lucknow.
3. The Chief Engineer, Air Force, Bamrauli, Allahabad.
4. The Commander Works Engineer, Air Force, Chakeri, Kanpur.

.....Respondents in O.A 1427/98

Counsel for the applicants :- Sri Rakesh Verma

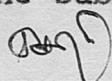
Counsel for the respondents :- Sri Amit Sthalekar

O R D E R

By Hon'ble Mr. Justice S.R. Singh, V.C.

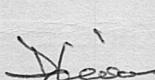
Since ~~the~~ common questions of facts and law are involved in these O.A.s, it would be convenient to dispose of by a common order. Accordingly these O.A.s are being decided by a common order after taking consent from the parties counsel.

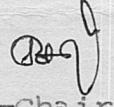
2. By means of the impugned order dated 10.06.1991 (Annexure- 1) promotion trade test for Industrial Personnel conducted at the level of Commander Works Engineer (P), Air Force, Chakeri, Kanpur has been dis-approved and cancelled on the ground of irregularities mentioned therein. It is not disputed that the trade test was held at the level of Commander Works Engineer (P), Air Force, Chakeri, Kanpur who by means of D.O letter No. 12223/WED/elc(2) dated 10.04.1991 requested the Chief Engineer, Lucknow Zone, Lucknow to accord approval to the said trade test. With reference to the letter aforeslated the Chief Engineer by means of the impugned order dis-approved and cancelled the trade test so held. Learned counsel for the applicant submits that the cancellation is arbitrary



and liable to be set aside. Learned counsel for the respondents on the other hand submits that the trade test conducted at the level of Commander Works Engineer (P), Air Force, Kanpur has rightly been cancelled on the ground of ~~the~~ ~~of~~ the irregularities pointed out in the order dated 10.04.1991, ^{one of which is} that the trade test of HS-I ought to have been conducted at the Command level and not at Commander Works Engineer level and other irregularity pointed out is that B.S.O had been made a member of the Board for holding the trade test for the post of Electrician, SBA/Winder etc while under the rules the nomination of B.S.O as a member of Board was not in order. It is well settled that ^{even} a selected candidate ^{has no} ~~in~~ ^{has} ~~in~~ ^{indeed} ~~indeed~~ ^{has} ~~has~~ ^{is} ~~is~~ ^a ~~a~~ feasible right to a post, ^{but} ~~but~~ in the present case the result of trade test was not declared, ^{and} ~~and~~ the cancellation of trade test held at the level of Commander Works Engineer cannot be termed as arbitrary, and illegal. That apart after cancellation of the trade test held in 1991, a fresh trade test was held for promotion of the Industrial Personnel and the result of subsequently held trade test has already been declared and the promotions made long back in the year 1997. Subsequently held trade test is not under challenge. In that view of the matter the present O.As have been rendered infructuous and no effective relief can be granted.

3. Accordingly the O.As are dismissed having rendered infructuous with no order as to costs.


Member-A.


Vice-Chairman.

/Anand/