

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1138 of 2001

Dated : this the 19th day of September, 2003

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, V.C.
HON'BLE MR. D.R. TIWARI, MEMBER A

Abhay Singh, son of Vijay Singh,
Resident of Village Jarua Katra,
Post Office Katra, District-Agra.

...Applicant

Counsel for the Applicant : Shri A.K. Gaur &
Ms. Renu Singh.

|| versus ||

- 1- Union of India, through Ministry
of Defence, New Delhi.
- 2- Commandant 509, Army Base Workshop,
Agra Cantt.
- 3- Colonel Administration,
Army Base Workshop,
Agra Cantt.
- 4- Puran Singh, Establishment Officer,
509, Army Base Workshop, Agra Cantt.

...Respondents.

Counsel for the Respondents. : Shri Amit Sthalekar

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By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

We have heard counsel for the parties.

2. By this O.A. undersection 19 of Administrative
Tribunals Act 1985, applicant has prayed to quash the
order dated 11.08.2001, as it relates to the trade of
Electro Depositor Grade II. He has further prayed for
direction to respondents to promote the applicant on the
post of Electro Depositor Grade II from the date of vacancy
caused due to retirement of Shri Govind Ram on 30.04.2001
with all consequential benefits.

3. The facts of the case are that applicant was initially

appointed as labourer in the Army Base Workshop at Agra on 26.09.1984 and in the year 1988, he was promoted to the post of Mate and on account of his good service record, he was promoted as Highly Skilled Electro Depositor, Grade III. The next promotion available to the applicant ^{Wglt} to the post of Electro Depositor, Grade II. The trade test was conducted in the year 1999. Applicant passed the trade test. However, he could not be accommodated for want of vacancies. Senior persons to him, were given chance. In the year 2001, ~~there were~~ two vacancies occurred, against which respondents again conducted trade test and tried to appoint two persons who had failed in the trade test of 1999. but they were senior to ^{the} applicant. The contention of the applicant was that as he had passed the trade test he should be accommodated first.

3. This O.A. was admitted on 16.10.2001 and it was provided any appointment made during this period against the vacancy caused by retirement of Shri Govind Ram shall be subject to order passed in this O.A.. The interim order is still operating.

4. Learned counsel for the parties have submitted that in view of the interim order no body has been appointed on the ~~two~~ post vacancies, which became available in the year 2001 and now one more vacancy of Electro Depositor Grade II has come in existence and now there are three vacancies available as stated by the learned counsel for the applicant. It is submitted by counsel for the parties that O.A. may be disposed of finally with direction to respondents to accommodate applicant also in the available vacancy alongwith two persons senior to him, who had passed the trade test.

5. Respondents have already stated in the Counter that he will not be required to pass trade test and he will accommodated ^{even} when the vacancy ^{is} available.

6. Considering the facts and circumstances, this O.A. is disposed of finally with the direction to respondent no.2

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i.e. The Commandant 509, Army Base Workshop Agra to accommodate the applicant also on the vacancy available for the post of Electro Depositor Grade II alongwith two other persons who passed the trade test in the year 2001. The direction is only subject to the availability of the vacancies.

7. There will be no order as to costs.



Member A



Vice-Chairman

Brijesh/-