

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD.

Original Application No. 1285 of 2001.

Thursday this the 13th day of February 2003.

Hon'ble Mr. Justice R.R.K Trivedi, Vice-Chairman.
Hon'ble Maj Gen KK Srivastava, Member-A.

Pankaj Kumar
son of Sri T.P. Jaiswal,
Helping Khalasi,
Working under SSE/Tele-I,
Northern Railway,
Allahabad.

.....Applicant.

(By Advocate: Sri K.S. Saxena)

Versus.

1. The Union of India
through the General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway,
Allahabad.
3. The Divisional Personnel Officer,
N. Rly. Allahabad.
4. Sri B.N. Pandey,
T.C.M N. Railway,
C/o Chief Telephone Inspector-II (SSE/2)
Telephones, Northern Railway,
Allahabad.

.....Respondents.

(By Advocate: Sri H.A. Kumar)

.....2/-



O_R_D_E_R

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

By this O.A. Filed under section 19 of Administrative Tribunals Act 1985, the applicant has challenged the order dated 24.07.2001, by which, applicant has been required to appear in the trade test so that he may be promoted as Telecommunication Mechanic Gr.3. The applicant has also prayed that the respondents be directed not to impose the condition of passing the trade test before promotion.

2. The submissions of the learned counsel for the applicant is that the applicant has already appeared in the selection held on 15.01.1981, 16.01.1981 and 10.02.1982 thus he cannot be compelled to appear in the trade test.

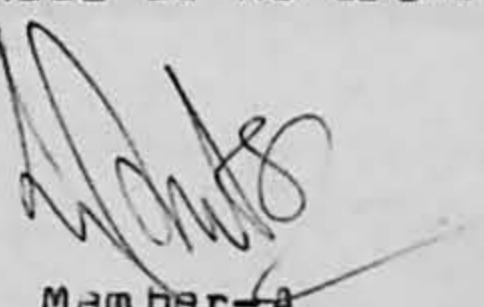
3. We have considered the submission of the learned counsel for the applicant. It appears that the applicant filed writ petition No.2830 of 1984 before the Hon'ble High Court which was transferred to this Tribunal and was registered as T.A.No.44 of 1987. The claim of the applicant was for a direction to the respondents to grant promotion as Telecommunication Mechanic. This Tribunal disposed of T.A. with following direction:

"Accordingly, we direct the respondents to consider the case of the applicant also being the similarly placed employee like Mr. B.N.Pandey and others and in case any person who was junior to him has been promoted, or has been appointed as Tele-communication Mechanic and has been given benefit, the case of the applicant shall also be considered fairly and justly by the administration and he shall also be given promotion from the due date to which he was entitled to, may be notional or otherwise. Let this consideration be done within a period of two months from the date of communication of this order. The application is disposed of with the above terms. Parties to bear their own costs".

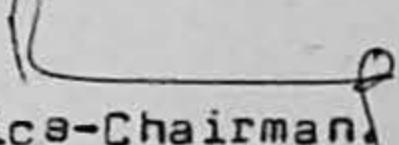
4. In pursuance of the aforesaid order, the respondents have passed impugned order dated 24.07.2001 requiring applicant to appear in the trade test so that he may be promoted. From the order passed by Tribunal dated 1.7.1992 quoted above, it is clear that applicant was not exempted from appearing in the trade test which is necessary condition for promotion. So the trade test held on 15.01.1981, 16.01.1981 and 10.02.1982 cannot be of any avail to the applicant now after 20 years.

5. In our opinion, the respondents have rightly asked the applicant to appear in the trade test and if the applicant is interested in the promotion, he should appear and pass the same. We do not find any good ground for interference. The O.A. is rejected.

6. There shall be no order as to costs.



Member-A



Vice-Chairman

Manish/-