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CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH, ALLAHABAD

....

Registration O.A. No. 562 of 1986

Shankar Lal Applicant

Vs.

Union of India and ors ... Respondents

Hon' Mr. D.K. Agrawal, J.M.

Hon' Mr. K. Obayya, A.M.

(Hon' Mr. K. Obayya, A.M.)

This application has been filed under section 19 of the Administrative Tribunals' Act No.XIII of 1985, seeking a direction to the respondents to promote the applicant as Leading Hand Fireman (Ordinary Grade) and to quash the promotion of respondent nos. 5 to 8 on this post.

2. Briefly stated the case of the applicant is that he was recruited as Fireman Grade II at the Air Force Station, Chakeri, Kanpur. According to recruitment rules, he was eligible for promotion as Leading Fire Hand. He appeared for the test held in May, 1984 and was successful, but the results thereof were not declared. Thus, he was denied of promotion to the post of Leading Fire Hand (Ordinary Grade). He appeared for the second test held in September, 1984, but was not successful. Third Trade Test was held in the year, 1986, but for this he was not even permitted to appear. The applicant challenges the promotions of respondent nos. 5 to 8 on the basis of the results of second and third Trade Tests, on the ground that they are arbitrary, without jurisdiction and illegal.

3. According to the respondents no Trade Test was held in May, 1984 as alleged by the applicant. Only an endurance test was held on that day, as one of the Members

D.K. Obayya

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of the Board constituted for conducting the test was not present. Consequently the question of declaration of result did not arise. They admit that a Trade Test was held in September, 1984 and 3 candidates were declared successful. Respondent No. 5 was one among the successful candidates. The successful candidates were promoted as Leading Hand Fireman. In the Trade Test held in 1986, there were adequate number of Grade I Firemen, hence, Firemen Grade II were not called for the test. The successful candidates which included respondent nos. 6, 7 and 8 were considered for promotion and they were promoted subsequently. These promotions of qualified candidates were in accordance with the rules. The respondents further contend that the posts of Leading Hand Firemen are non selection posts and promotions are made on seniority-cum-suitability criteria and Firemen Grade II would be considered only in the event of non availability of Firemen Grade I. The applicant who was Fireman Grade II at that time cannot claim his promotion since he was unsuccessful in the Trade Test held in September, 1984.

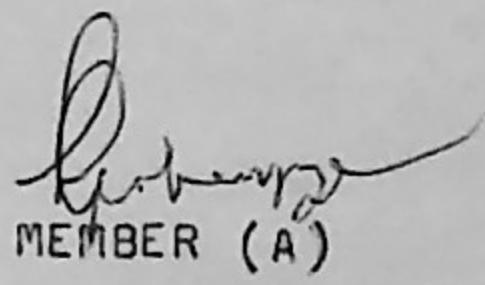
4. Heard the arguments and perused the documents on record. The learned counsel for the respondents brought to our notice that this issue regarding the alleged test of May, 1984 was taken up by the applicants in O.A. No. 197 of 1986 and O.A. No. 563 of 1986 before this Tribunal. ^{There} It was ~~contested~~ by the respondents and their plea that the test held in May, 84 was only an endurance test and not a Trade Test was ~~bp~~ held. We have seen the judgment and we see no reason to disagree with the decision in the above cases, on this issue. The applicant having failed in the Trade Test is ineligible for promotion. We are convinced that the Trade Tests in Sept. 1984 and in March, 1986 were held in accordance with the rules

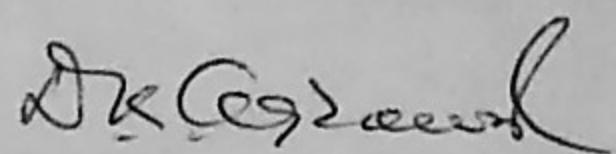
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and that there is no irregularity and illegality in the promotion of the respondent nos. 5 to 8. The petition is devoid of any merit and accordingly it is rejected.


MEMBER (A)


MEMBER (J)

(sns)

December 18th, 1989

Allahabad.