

(A3/1)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

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Registration T.A. No. 510 of 1986
(O.S. No. 387 of 1984)

Raja Ram Applicant.

Versus

Union of India and others Respondents.

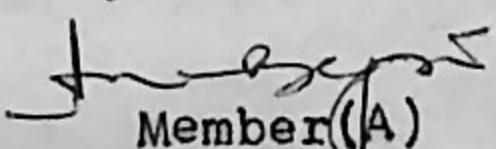
Hon. Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. A.B. Gorthi, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

This is a transferred case under Section 29 of the Administrative Tribunals, Act 1985 . The applicant filed a suit in the year 1974 before the court of Munsif Jhansi praying for a decree for declaration that the applicant had passed a trade test which took place in the year 1972 and as such, he is entitled for further promotional post and by way of amendment latter on a relief in respect of one Gaya Prasad who was appointed was also claimed , that suit remain ^{ed} pending for years together and it appears that once it was also dismissed in default and that is why it could not be disposed of. A written statement was filed by the respondents before the court of Munsif wherein it was said that it was not correct to say that Lakchi Ram and others were trade tested on the basis of their seniority as W.M.I. or that any decision was taken for calling those people for trade test on the basis of their transfer of these employees from locoshed to W.M.I. The alleged seniority claimed by the applicant

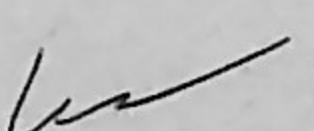
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was also denied but it was admitted that the two Khalasies were called for trade test not because of their seniority but for some other reasons, and the criteria of the seniority claimed by the applicant that it is to be reckoned from the date of the order dated 11.6.1964 was disputed. But, so far as the applicant is concerned, it is said that the applicant is entitled to claim to have passed the trade test and he was not legally entitled for trade test as he was not senior. It appears that the applicant was trade tested and an appointment was not given to the applicant on the ground that although he was allowed to appear in trade test but as he was not senior, the senior should be given preference. Years have gone and the seniors must have been given promotional posts. In case any junior has been given promotional post, the applicant has not been given promotional post, the applicant shall be promoted on the basis of the trade test in which he has passed. With the above observations, the application is disposed of without any order as to costs.


Member (A)

Dated: 27.2.1992

(n.u.)


Vice-Chairman