

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

Registration No .1652(T) 1986

Puttoo Lal

plaintiff/applicant

Versus

G.M.,O.C.F and others

Defdt/respondents

Hon'ble D.S.Misra,A.M.

Hon'ble G.S.Sharma,J.M.

(By Hon'ble D.S.Misra)

This is an original suit no 294/84 which was pending in the court of Munsif Shahjahanpur and has come on transfer under Section 29 of the Administrative Tribunals Act XIII of 1985.

2.The plaintiff's case in brief is that he is serving as Labour 'B' in the Ordnance Clothing Factory,Shahjahanpur and belongs to the scheduled caste community;that due to being ~~scheduled~~ caste,he is being harassed by a superior authority and he was not given due promotions and increments;that the plaintiff was tested for the post of Engraver from 7.10.1983 to 24.1.84. In the test the plaintiff was not afforded necessary tools and instruments for making brass stamp and to engrave letters; that on 30.4.84 his selection was finally refused. The plaintiff has prayed that he may be declared fit for the post of engraver and the test be declared illegal and void.

3.In the written statement filed on behalf of the defendants, it is stated that the practical test was conducted on 22.8.84 in accordance with the specifications laid down for the post of engraver by the Director

General Ordnance Clothing Factory,Calcutta; that the

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engraver is supposed to make brass stamp by making his own tools and practical test of the plaintiff was taken accordingly; that the insistence of the plaintiff that trade test should be taken on wooden stamp was not accepted as it was not falling within D.G.O.F. Trade Test specification; that the board which conducted the oral trade test on 31.1.1984 included Sri P.K. Parui, Foreman Sri A.A. Zilani, Labour Officer, and Smt. Jagdamba Devi as observer in her capacity as Works Committee Member; that the result of the trade test was submitted to the General Manager (defendant no. 1) on the same day.

4. An affidavit of Sri Taule Ram, Engraver, working in the same factory was filed on behalf of the plaintiff in which it is alleged that in the Ordnance Clothing Factory Shahjahanpur only wooden stamps are being used and that he was never asked to engrave brass stamp and was ~~also~~ tested to engrave only wooden stamp. The defendants have filed the original trade test result form in which it is stated that the plaintiff was found unsuitable in the practical test held on 22.8.84. It bears the signature of the Chairman and two other members of the Board as well as the signature of the plaintiff Puttoo Lal.

5. We have heard the arguments of the learned counsel for the parties. The only point for decision in this case is, whether there was any prejudice or mala-fide on the part of the members of the Selection Committee in assessing the suitability of the plaintiff for promotion to the post of Engraver. The defendants have specifically denied the allegations made by the plaintiff against Sri I.P. Misra, Dy. General Manager and

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defendant no 2 and have also clearly stated that the practical test was held in accordance with the specifications laid down by the Director General O.C.F. Calcutta for the post of engraver. The plaintiff has merely filed the affidavit of one Taule Ram in support of his contention that he should have been tested only for preparing wooden stamp. In the absence of any documentary evidence to rebut the contentions of the defendants, we are unable to accept the contention of the plaintiff that he should have been examined only for preparing wooden stamp. We are also of the opinion that there has been no irregularity or illegality in holding the test and the allegation of the plaintiff that there was any malafide in the preparation of his result on account of his being scheduled caste.

For the reasons mentioned above, we are of the opinion that there is no merit in the suit and the same is dismissed without any order as to costs.

J.M.
25.1.88
J.M.

A.M.
25/1/88
A.M.

JS/25/1/1988