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CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH, ALLAHABAD

...

Registration T.A. No. 432 of 1987

Yusuf and others Petitioners
vs.

Union of India and ors ... Respondents

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

Hon' Mr K. Obayya, A.M.

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

Writ Petition No. 674 of 1979 was filed by the petitioners 35 in all, in the High Court of Judicature at Allahabad, Lucknow Bench, praying for a direction in the nature of Certiorari for quashing the result of the trade test so far as it related to Opposite parties no. 4 to 32 and to promote the petitioners to highly skilled grade II posts on the basis of seniority. This has been received on transfer under section 29 of the Administrative Tribunals Act No. XIII of 1985 and numbered as above.

2. Briefly stated the facts of the case are that the petitioners are working as skilled Artisans on the post of Fitters in the Carriage and Wagon Workshop, Alambagh, Lucknow in the Northern Railway. The posts carry a scale of Rs. 260 - 400 and they are all permanent in their posts. The Opposite Party Nos. 4 to 32 are their co-workers in the same cadre, but are junior to them. In pursuance of recommendations of the Railway Workers Classification Tribunal, 1976, the Railway Board took a decision in 1978 to up-grade 25% of the posts of the skilled Artisans to the cadre of highly skilled Grade II and 20% of the posts to be upgraded to the cadre of highly skilled grade-I. This necessitated up-grading large number of posts from skilled Artisans to highly

skilled grade II and from highly skilled Artisans Grade II to highly skilled grade I. As a follow up to this 38 posts in the category of highly skilled grade II on pay scale of Rs.330 - 480 and 55 posts in the grade of highly skilled grade I ~~to~~ Rs.380 - 560 were created. The number of posts to be filled up, were however, even more, taking consequential vacancies.

3. According to the petitioners para 221, Mechanical Code issued by the Railway Board, laid-down that "other things being "same and equal," promotions of workman should be made on the basis of seniority; as they were senior with good record, they ought to have been promoted. However, a trade test was held in 1978 for promotion to the post of highly skilled grade II from the skilled Artisans. The petitioners and also the opposite parties all appeared for this test. The results of the test were declared in 1979 in which all the petitioners were shown as failed and large number of their juniors declared as passed, and promoted subsequently.

4. It is alleged that this test was never held in accordance with the Standard Trade Test Manual and Syllabus No.44 which is applicable to highly skilled grade II posts was not followed.

5. In their counter, the respondents stated that promotions to the post of highly skilled grades were to be made only after passing the requisite trade test. The names of the petitioners and also the opposite parties no.4 to 32 were sent in order of seniority for the trade test. The test was held in accordance with the provisions of the test manual and that syllabus for highly skilled grade II post of Fitters is provided in syllabus no. 43 of the Trade Test Manual. The basic required knowledge under

this syllabus is as under :

- (1) Must have a good knowledge of reading part and assembly drawings.
- (2) Must have knowledge of precision measuring instruments like combination square, Dial indicator, vernier-height gauge etc.
- (3) Must be able to carry out complicated marking according to drawing using Vee Blocks, parallel strips, spirit level, Wedges, shims etc.
- (4) Must have a fair knowledge of Interference Transition and clearance fits, Allowances, tolerances and limits Inter changeability and standardisation.
- (5) Must have knowledge of various type of gears and be able to repair gear teeth.
- (6) Must be conversant with belts and pulleys.
- (7) Must be able to distinguish between cast iron and steel and have knowledge of their physical, characteristics and application.
- (8) Must have knowledge of various types of bearings and bearing metals.

T E S T

1. A. Practical test based on the above.
2. Any other similar test to be prescribed by the Trade Testing Officer. "

It was further ^{Contended} considered that Syllabus no.44 referred to by the ~~Trade Testing Officer~~ petitioners is applicable to cases of promotion for highly skilled grade I Fitters and not grade II Fitters, the petitioners have all failed in the Trade Test and were thus not eligible for promotion. Para 221 of the manual is not applicable to the petitioners as having failed in the test they were not on "equal par" with those who passed the test.

6. The arguments of the counsel was more or less reiteration of the stand taken in the petition and the reply.

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7. The first question that arises in this petition is whether promotions to the posts of highly skilled grade II are to be made on mere seniority or whether it was ^{the} pre requisite to pass the trade to become eligible for promotion. We have gone through the letter No.E(P&A)I-78/RWCT-76/1 dated 24.8.78, by which up-gradation of the posts from skilled to highly skilled grade II and grade I were approved. Para 2 of the said letter clearly mentions,

" Action should be taken by the Railway Administrations to revise the distribution of existing posts in the skilled and highly skilled grades conforming to the above percentages. Such redistribution will, however, be given effect to after holding requisite trade tests for promotion of eligible staff to the posts to be placed in the highly skilled grades consequent to redistribution. "

This question is answered by this letter itself and it is clear that trade test was a must before considering promotions.

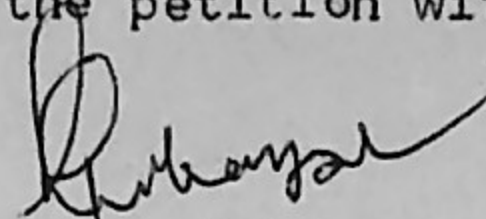
8. The next question is what is the syllabus for this test? Is it syllabus No.44 as contended by the petitioners or syllabus No.43 as claimed by the respondents? We have called for the Trade Test Manual and verified the position. This Manual for Standard Trade Test was issued in 1969 by Govt. of India, Ministry of Railways (Railway Board). This Manual contains syllabi and other details for holding different Trade Tests. At page 66 syllabus No.43 is provided. For promotion to posts of highly skilled Grade II, Syllabus No.43 is prescribed. In this case admittedly the Trade Test was held following syllabus 43 which is the correct syllabus mentioned in the Trade Test Manual.

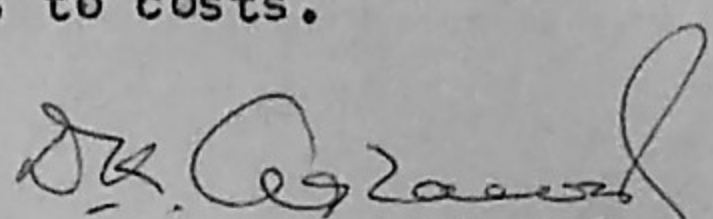
9. It is not the case of the petitioners that they have passed the test. Having failed in the prescribed

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test, they were not eligible to be considered for promotion, as such their claim for promotion merely on the basis of seniority is devoid of any merit. In the circumstances, the petition fails. We accordingly dismiss the petition with no order as to costs.


MEMBER (A)


MEMBER (J) 23.1.90.

(sns)

January 23 , 1990.