

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL - ALLAHABAD BENCH,
ALLAHABAD.

Transfer Application No. 576 of 1987.

Sri Hari Nath Gupta & others..... Petitioners.

Versus

Union of India & others..... Respondents.

Hon'ble Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. A.B. Gorthi - A.M.

(By Hon'ble Mr. A.B. Gorthi A.M.)

1. This Writ Petition has been filed by Hari Nath Gupta, Jai Narain Tripathi and K.C. Upadhyay in the year 1980 and transferred to this tribunal in 1987. In the year 1990 Misc. application was moved for the deletion of the name of petitioner no. 1 Hari Nath Gupta as he had died. The prayer of the petitioners in the writ petition was that they should have been tested trade wise for ~~his~~ selection to highly skilled Grade-II and not group-wise as was being contemplated by the respondents. The additional relief sought by them through amendment application moved in 1989 was that if the vacancies ~~occurring~~ carrying in the future in highly skilled Grade I and II, they should be tested trade-wise and that the loss suffered by them be made good.

2. The petitioners were Wiremen/Line Man in the Power Group of the Electric Department of the Loco Workshop of N.E. Railway Gorakhpur. Though trade test for promotion used to be held trade-wise, the respondents proposed to hold trade test group wise for filling-up the posts of Highly skilled Grade II in the grade of Rs. 330-480. Accordingly as many as 13 candidates belonging to various trades of the power group were to take the trade test. Sri Hari Nath Gupta and Jai Narain Tripathi being at seniority at No. 1 and 2 in their trade of Wire-Man, felt aggrieved by the proposed test being conducted group-wise. Representations were made and even the Karmchari Sangh intervened on behalf of the petitioners, but without any success.

3. The respondents clarified that as per extant policy as contained in the N.E. Railway Circular letter dated 29.1.79

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A/n

"For filling-up the posts of Highly skilled grade I and II in a particular group, option should be called from all staff from all trades in the group in the trade test contended base on the seniority in that group." When certain queries were raised in this regard, the office of the General Manager (P) reiterated the same position for compliance.

4. In view of the clear official policy, there can be no basis for complaint. However, because prior to 1980 trade tests for selection to Highly skilled Grade I & II were held trade-wise and not group-wise, the petitioners lodged their protest, ^{They} secured an additional ground ~~that~~ ^{when} in 1987, the policy was reversed on administrative consideration and it was decided to hold the trade test trade wise and not group-wise. Obviously, had the trade test in 1980 been conducted trade-wise the petitioners would have benefited. Nevertheless, ~~though~~ ^{it} itself cannot be the ground for us to intervene and cancel ~~the~~ the group-wise trade-test held in 1980 or to confer the consequential benefits upon the petitioners, because we find that the decision of the respondents to hold the trade test in 1980 group-wise was strictly in accordance with the operative instructions on the subject. No allegation of malafides was raised nor is it apparent that any irregularity was committed by the respondents. In the above circumstances we find no force in this writ petition and it deserves to be rejected. It is therefore dismissed without any order as to costs.

J. Sengar
Member (A)

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Dt: ~~January 11~~, 1992.
(DPS)

U
Vice Chairman.