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CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH ALLAHABAD

Original Application No. 670 of 1987

Dhani Ram & Others Applicants

Versus

Union of India & Others Respondents

Hon'ble Mr. A.K. Sinha, Member (Judicial)

Hon'ble Mr. V.K. Seth, Member (Administrative)

(By Hon'ble Mr. V.K. Seth, Member (A))

In this application under section 19 of the Administrative Tribunals Act, 1985, the applicants have sought the following reliefs :-

(a) That it is declared that the applicants are entitled to get the promotion and seniority in Grade-III Fitter (Pay scale Rs. 250-400 Now grade Rs. 950-1500) into the Grade-II Fitter pay scale of Rs. 330-480 (Now Rs. 1200-1800) from the respondents.

(b) That it is declared that the applicants are entitled to get the wages/difference of wages and other all benefits, which are entitled to get the applicants from 12.5.86 to upto the date of promotion.

Through their amendment application, they have also sought quashing of the circular No. HBP/778/FCII/A/Artisan/II dated 12.9.1985 and further sought ^{by} issue of ⁱⁿ direction to the respondents to ~~amendment~~ and clarify the policy letter of 10.7.1985 (Annexure MP-III) suitably that no trade test is required as one time exemption and allow the benefits of upgradation to the applicants without any trade test.

2. During the hearing, the learned counsel for the applicant was not present and, therefore, the case is being

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disposed of on the basis of the records and the arguments of the learned counsel for the respondents.

3. The applicants, who are grade-III fitter in the Train Lighting Department Central Railway Jhansi, argued that they are entitled to promotion in Grade-II fitter on the basis of seniority and suitability, but the respondents conducted tests on 9.2.1986 and 20.2.1986 and published its result on 25.11.1986 vide their letter of 27/28.4.1986, in which the applicants were not promoted and their juniors were promoted. They also allege that they were again called for suitability-cum-seniority test and again not promoted despite being entitled to get promotion and seniority. They further assert that their representation dated 14.5.1986 and representation through counsel dated 25.9.1986 were not replied by the respondents.

4. The respondents have resisted the application inter-alia, on the ground that passing the prescribed trade test is essential for an employee to be promoted to Artisan categories. They further assert that the applicants' no. 1, 2 and 3 were booked for trade test for the post of Fitter-II vide letter ~~no.~~ dated 7.2.1986 under 'upgradation from 1.1.1984 for reclassification of Artisan Staff in the Rly. Relief of Artisans in terms of Railway Boards' letter of 10.7.1985 and circulated on 31.7.1985, but were declared failed in the trade test in three attempts published vide letter of 28.4.1986. Further the applicants no. 4 was not booked for the trade test as he was declared failed ⁱⁿ the trade test of fitter -II in three attempts held on 24.3.1979, 20.6.1981 and 2.9.1982

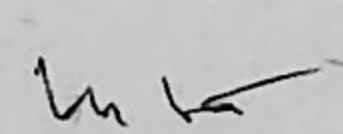
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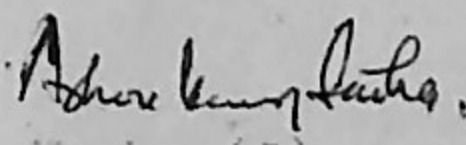
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and thereafter there is no provision in terms of CPO(PC) letter of 26.2.1968.

5. We have carefully considered the records and the arguments of the learned counsel for the respondents. There is nothing in the counter-affidavit of the respondents to show that the representation of the applicants ^{dt 14/5/86} was considered and disposed of nor is the assertion of the applicants to this effect specifically denied either in the counter-reply or during the hearing. We feel that ends of justice would be fully met if the representation of the applicants is considered by the respondents. We, therefore, direct that the pending representation of the applicants dated 14.5.1986 be considered by the respondents in the light of rules and instructions applicable for promotion from grade-III fitter to grade-II fitter as applicable on the dates when the applicants became eligible and due for such promotion and dispose of the same within a period of three months from the date of communication of this judgement. The application is disposed of as above with no order as to costs.


Member (A)


Member (J)

Allahabad Dated: 31-5, 1993.

(RKA)