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CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH

Allahabad this the 14th day of November 1994

Original Application No.497 of 1988

Hon'ble Mr. S.Das Gupta, Member (A)  
Hon'ble Mr. Jasbir S. Dhaliwal, Member (J)

Bechan, S/o Timal, R/o Patpara, P.O. Moghalsarai,  
distt. Varanasi, employed as Black Smith Grade III  
U/S.I. (2), N. Railway, Prayag

Applicant.

By Advocate Shri S.K. Dey

Versus

1. Union of India, through the General Manager, N.R.,  
Baroda House, New Delhi.
2. The Divisional Railway Manager, N.Rly. Hazaratganj,  
Lucknow.
3. The Senior Divisional Signal Telecommunication  
Engineer, N.Rly., Lucknow.

Respondents

By Advocate Shri A.K. Gaur.

O R D E R

Hon'ble Mr. Jasbir S. Dhaliwal, Member (J)

This petition has been filed by  
Shri Bechan claiming that he is now working as Black Smith  
Grade II for a considerably long time and that he is  
entitled to be posted to the upgraded post of Black-  
Smith Grade II w.e.f. 01.1.1984. This prayer has been  
opposed by the respondents.

2. The facts not in dispute are that the  
petitioner joined as Trolley-Man on 28.3.1957 and he was  
posted as a Khalasi on 08.7.1967 and was thereafter,  
promoted in same skilled grade as Hammer Man on 20.1.75.  
He was promoted as Black Smith Grade III on 02.7.1979 in



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the pay scale of Rs. 260-400/-. He claims that he has been denied his next promotion to the upgraded post of Black Smith Grade II in the scale of Rs.330-480/- which was revised to the scale of Rs.1200-1800/- w.e.f. 01.1.86.

3. He pleads that he is a senior experienced and suitable person to be posted to the upgraded post of Grade II in the higher scale of pay but, without any reason he has been ignored, while his junior Shri Merahai was posted to the upgraded post w.e.f. 01.1.1984. He further pleads that Ram Naresh and Merahai, who are junior to him, were called for a trade test on 06.8.86, while the applicant was called for the trade test on 08.8.86 and the other two were given the promotion, while he has been denied the same. On 18.4.87, Shri Merahai, Chabi Lal, Sita Ram, Ram Naresh and Prithvi Raj alongwith the applicant were called for a trade test for the post of Black Smith Grade I. Chabi Lal and Prithvi Raj were upgraded to Black Smith Grade I but, the applicant was not given the promotion. He alleges that a 'pick and choose policy' had been adopted by the respondents. He made representations to the respondents without any reason.

4. The respondents have claimed in the written statement that the post of Black Smith Grade II is a non-selection post and is filled on the basis of trade test being post of Artisan Category in terms of P.S.No-8488 and the benefit of promotion under re-classification/restructuring to the highly skilled Grade II and Grade I

is applicable

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is available to only that staff who passed the prescribed trade test in the relevant trade. It is pleaded that the petitioner was called to appear in the trade test, was examined and was found unsuitable as he failed to qualify in the trade test. <sup>They</sup> ~~He~~ further pleaded that Sri Merahai was senior to the petitioner in the Grade III who was sent for the trade test alongwith the petitioner and he had passed the requisite test and for this reason he was promoted as Blacksmith Grade II w.e.f. 01.1.84. Merahai, Ram Naresh, and petitioner were again called for a trade test simultaneously through letter dated 24.6.1986 and petitioner ~~had~~ <sup>had</sup> not qualified in the trade test while the remaining two were declared successful and were promoted. Sri Ram Naresh being from S.C. quota was given promotion in his quota, while Sri Merahai was given promotion in <sup>open</sup> ~~the~~ category. It is further pleaded that Sita Ram, Prithvi Raj, Ram Naresh (S.C.) and Mewa Lal all Black Smith Grade II were called for trade test on 19.2.1987 for their further promotion to the post of Black Smith Grade I whereas the petitioner was called for the trade test for promotion to the post of Black Smith Grade II. The petitioner still ~~did~~ not qualify in the trade test. It is pleaded that since the petitioner has failed in the trade test all the time, he could not be promoted as claimed by him to the next higher post.

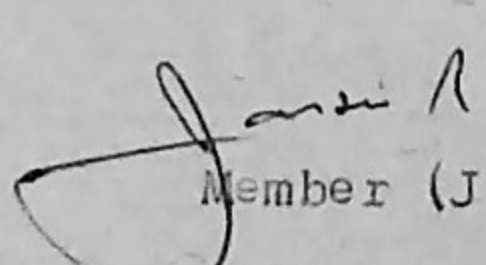
5. The petitioner chose not to file any rejoinder-affidavit to the written reply filed by the respondents. Under the law, the facts pleaded in the written statement if, not traversed by the petitioner specifically have to be taken to be not denied and ex-

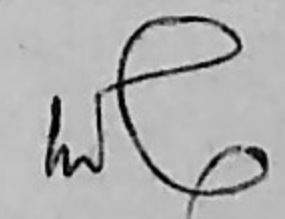




tending the law of pleadings, there being no specific denial, these have to be taken to be admitted. The fact that the petitioner was put to trade test on various occasions is <sup>admitted</sup> ~~admitted~~ by the petitioner himself and he has not <sup>claimed</sup> ~~claimed~~ anywhere ~~in~~ that he ever qualified. It is clear from the pleadings of the respondents that he failed in the test every time. His grievance against Sri Merahai and Ram-Naresh is thus found to be baseless as those persons <sup>in</sup> qualified the trade test whereas the petitioner had failed. Sri Mewa Lal, Prithvi Raj, Ram Naresh and Mirahai were tested in the trade test on 18.4.1987 for their further promotion to Black Smith Grade I and the petitioner was not competing with them but, was subjected to the trade test for his promotion to the upgraded post in the higher scale. These facts have also not been specifically denied by the petitioner.

6. It is clear from the pleadings that promotion to the upgraded post of Black Smith Grade II, the higher scale of pay of Rs.330-480 (revised to Rs.1200-1800) was subject to the condition that the person aspiring for it, must qualify the trade test as the post is that of Highly skilled Artisan under the re-classification and re-structuring of the grade. Since, the petitioner has failed in the requisite trade test for the upgraded post, we find no merit in his petition. Accordingly the same is dismissed with no order as to costs.

  
Member (J)

  
Member (A)

/M.M./