

OPEN COURT
CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH : ALLAHABAD.

Allahabad, this the 9th day of May., 2000..

ORIGINAL APPLICATION NO. 1743 of 1994.

CORAM

Hon'ble Mr. S.K.I Naqvi. J.M.

Hon'ble Mr. M.P. Singh, A.M.

Ambika Prasad S/o Sri Bhairwa Prasad.

Khalasi/ Helper Khalasi under Workshop Foreman
(Engineering), Northern Railway, Subedargunj.

Allahabad.

.....Applicant.

(Counsel for the applicant : Sri Anand Kumar. Adv.)
VERSUS.

1. Union of India through The General Manager,
Northern Railway, Baroda House, New Delhi.
2. The Divisional Superintending Engineer
(Co-ordination), Northern Railway,
D.R.M. Office, Allahabad.
3. The Divisional Engineer (Track), Northern
Railway, D.R.M Office, Allahabad.
4. The Assistant Engineer (PQRS),
Northern Railway, Allahabad.

5. Workshop Foreman (Engineering)

Northern Railway, Subedargunj,
Allahabad.

(Counsel for the Respondent: Sri A.K. Sukla.)

O R D E R (Oral)

(By Hon'ble Mr. S.K.I Naqvi. J.M.)

Sri Ambika Prasad claims his promotion to the Post of the Fitter with retrospective effect and also the pay to that Post from the period, ~~he has~~ working as Fitter. Since his claim has not been favourably considered by the department, he has come up before the Tribunal.

2. As per applicant case he was appointed as Permanent Khalasi ^{upto} 01.12.1966 and transferred to Engineering Work Shop, Allahabad. On 1.8.1978 where he was upgraded as Helper Khalasi in the month of August 1978. He appeared for further promotion in the Trade Test held on 23.3.1981 but the result of that test has not been declared. There was another test held on 04.04.1984 but the applicant was not called to participate on that test. He has further mentioned that he was allowed the duty of Fitter by Verbal order and since then he has been working as Fitter but he has not been paid the salary for the Post of Fitter for this Act of respondents, The applicant has sought for direction as mentioned above.

3. The respondents have contested the case.

SC~

As it has come up ⁱⁿ pleadings preferred on behalf of the respondents, the applicant did not appear in 1981 test and therefore, no question of a result ^{for him}. In respect of him regarding 1984 trade test, It has been mentioned that the applicant was informed but, he did not under ^{look} to the test and the same was position in subsequently ^{held} ⁱⁿ trade test 1986-87, when the applicant was informed thrice but he did not report for the Trade Test.

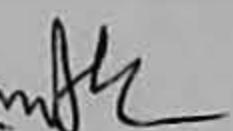
4. Heard the learned counsel for rival contesting parties and perused the record. The applicant has failed to bring any documents on record in support of his contention that he appeared in 1981 Test. Simple mention in the pleadings, without support from any evidence, is not sufficient to pass direction in that regard. The applicant has also claim that he is working as Fitter and for which relief has been sought for direction to the make payment of his salary admissible for the post of Fitter, but in support of this contention also there is nothing on record, except bare in pleadings in the Original Application, which has been specifically denied from the side of respondents, from the above. We find that the applicant has failed to substantiate his claim for which, The OA deserves to be dismissed.

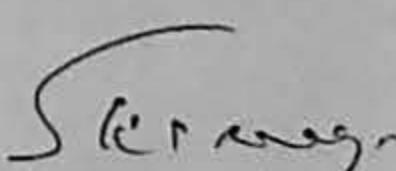
5. Before parting with the case, we find it expedient to mention that there is also something wrong with the respondents and same mischief is being ^{played} ^{to} communication of information ^{to} with the candidates, who are eligible to appear in the departmental test. It is too much to believe that the applicant, who

is serving in the department right from the year 1966 will not appear in the Trade Test, if duly communicated with the information, and will allow his juniors to sit over to him in the seniority by qualifying in the Trade Test. The learned counsel for the respondents has expected to bring this fact in the knowledge of persons, who are at the helm of affairs.

6. With the position as above, the OA is dismissed with the observations as above.

No order as to cost.


Member (A)


Member (J)

/m.k.s/