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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 177 of 1986
T.A. No.

DATE OF DECISION 28.10.86

SHRI T. N. CHUDASAMA Petitioner

SHRI D. M. THAKKAR Advocate for the Petitioner(s)

Versus

UNION OF INDIA & ORS. (W.RLY.) Respondent

SHRI M. N. UDANI Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. P. H. TRIVEDI ... Vice Chairman

The Hon'ble Mr. P. M. JOSHI ... Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal.

Per: Hon'ble Shri P. H. Trivedi, Vice Chairman

JUDGMENT

The applicant, Shri T.N.Chudasama, has challenged the denial of his promotion to the post of Senior Electric Chargemen and the promotions of his juniors to the same post. He has stated that after having been appointed on 25th June 1958, as Trade Apprentice Fitter, he has been confirmed in it in 1964, promoted to Electric Fitter Grade II in 1978, and further promoted to Grade I in 1979. He has passed skill test in Grade I and Grade II. For the post of Senior Electric Chargemen in the scale of Rs. 550-750, neglecting his claim arbitrarily, his juniors Shri B.S.Rawat and Shri G.A.Solanki were promoted in 1982 to that post, even though they were not confirmed in the initial post. In reply, the respondents have stated that the applicant has been working as Electric Chargemen in the scale of Rs. 425-700 purely on adhoc basis. It is a selection post and the applicant has not qualified himself for it on a regular basis. He was trade tested for Fitter H.S. Grade II on 8.3.'76, but was declared failed, was again called for trade test on 12.10 '78, when he passed and was promoted to Fitter H.S. Grade II from 6.1.'78 and subsequently he passed trade test for Fitter Grade I on 28.1.'78 and was promoted as such from 7.3.'78. He officiated as Chargemen in the scale of Rs. 425-700 purely on adhoc basis from 13.1.'81 against prescribed percentage of apprentice chargeman. For promotion as Electric Chargemen in the scale of Rs. 425-700, his promotion on adhoc basis confers on him no right on regular basis for which he has to qualify and pass selection tests after a t

qualify and pass selection tests after attaining eligibility and only thereafter, he will be eligible for further promotion of senior Electric Chargemen in the scale of Rs. 550-750. The applicant was called for selection in the post of Electric Chargemen in the scale of Rs. 425-700 on 25.1.79, but he could not qualify and failed, and therefore his name was not on the panel, dated 21.8.78. There being no vacancy, no further selection tests were held. For the promotion of senior Electric Chargemen in the scale of Rs. 550-750, those who were in the list of Electric Chargemen in the scale of Rs. 425-700 and were regularly promoted after passing the selection tests were considered. Shri B.S. Rawat and Shri G.A.Solanki had passed the selection tests for Electric Chargemen in 1979 and were promoted on regular basis and thereafter were selected for promotion as senior Electric Chargemen. They were confirmed in H.S.Grade I from 7.9.'77, while the applicant was confirmed from 1.8.'78. The applicant was confirmed as H.S.Grade I Fitter on 1.1.'79, but Shri Solanki was confirmed in it on 1.10.'77 and Shri Rawat on 10.10.'77.

2. After hearing the learned advocates Shri D.M. Thakkar and Shri M.N.Udani, for the applicant and respondent respectively, we find that the respondent has dealt with the question of promotions in accordance with the rules and instructions governing the subject. The applicant has been left with the grievance because of his adhoc promotion as Fitter H.S. Grade I in the scale of Rs. 425-700 from 13.1.'81. There is no doubt that for regular promotion the applicant has not acquired any right due to his not having passed the required tests, and he cannot have a grievance because others who passed such tests and were promoted earlier were

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given further promotions as senior Electric Chargemen, since the selection for that post had to be made from those who were regularly promoted to the post of Electric Chargemen. From the reply of the respondents it is clear that Shri Rawat and Shri Solanki were confirmed earlier than the applicant against clear cadre vacancies in ELE HS Grade I, while the applicant's promotion to the scale of Rs. 425-700 was clearly on adhoc basis and, therefore, at the time of promotion for the post of senior Electric Chargemen, Shri Rawat and Shri Solanki were not regarded as junior to the applicant, and therefore no injustice to the applicant can be held to have been caused.

3. The application has no merits and fails. No order as to costs.

P. H. Trivedi
(P. H. TRIVEDI)
Vice Chairman

Joshi
(P. M. JOSHI)
Judicial Member