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Date of Decision : 12.2.1992.

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Versus,

Respondents.

M/s. Jayanta Ku. Das,
B.S. Tripathy, B.K. Sahoo,
P.K. Deo, Advocates.

Standing Counsel (CAT) .

Original Application No.201 of 1987.

Applicants.

Versus,

Respondents.

M/s. Jayanta Ku. Das,
B.S. Tripathy, B.K. Sahoo,
P.K. Deo, Advocates.

Standing Counsel (CAT)

Original Application No.202 of 1987.

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Versus,

Respondents.

M/s. Jayanta Ku. Das, B.K. Sahoo,
B.S. Tripathy, P.K. Deo, Advocates.

(Standing counsel(CAT) .

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Original Application No.203 of 1987

Mangala Mohapatra ... Applicant.

Versus,

Union of India & Ors. ... Respondents.

For the Applicant:- M/s. Jayanta Ku. Das, B.K. Sahoo,
B.S. Tripathy, P.K. Deo, Advocates.

For the Respondents: Mr. Ashok Mohanty,
Standing Counsel (CAT).

C O R A M:

THE HONOURABLE MR. K. P. ACHARYA, VICE-CHAIRMAN.

THE HONOURABLE MISS. USHA SAWARA, MEMBER (ADMN.)

1. Whether reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the reporters or not ? No.
3. Whether their Lordships wish to see the fair copy of the Judgment ?

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J U D G M E N T.

ISS.USHA SAVARA, MEMBER (A).

Since the facts of these four cases are similar and the relief claimed is the same, these four Original applications are being disposed of by ~~this~~ common judgment.

2. The facts of the case are that the applicants were given temporary appointment as artisans in the trade of fitter grade-III on different dates. They were all appointed in the office of Respondent no.2 and were sent on the training course for a period of six months from the dates of their respective joining dates. They were called for an interview after completing their six months training course. They were considered to be unsuitable and their training course was extended for another period of four weeks. After completing their extended training course of four weeks they were again called for interview vide order dtd.28.7.84. They were declared successful and their services were regularised on or about 10.7.84 and 29.6.84. On or about 6.4.87 they came to know that the Respondent no.2 had published seniority list for fitters in Grade-III wherein the applicants name were below those who were admittedly junior to them at the time of recruitment. The relief prayed for by the applicants is that the gradation list dtd.6.4.87 prepared by Respondent no.2 be quashed and that Respondent no.2 be directed to re-fix the gradation of applicants as fixed at the time of recruitment.

3. The case was argued by Mr.K.P.Misra, learned counsel for the petitioners vehemently. However, Mr. Ashok Mohanty, learned standing counsel for the Respondents pointed out that the applicants had merely been selected to undergo training as fitters and were paid "stipend" only. Further, it was mandatory for them to pass the trade test after the course of training of six months was completed as per para-10 of letter dated 16th/23rd.November,1983. Since the performance of the applicants was not found satisfactory, they were given further training of four weeks to show improvement. Sri Mohanty pointed out that the applicants were not given an appointment but were only selected to undergo training. Their appointment was given to them only after they completed the training and passed the trade test of fitters. Since they had not qualified in the trade test, initially those who had qualified earlier were given appointment earlier to them. In the circumstances, Sri Mohanty submitted, the applicants have been correctly graded as Junior to those who had passed the trade test earlier and there was no merit in the applications and the same be dismissed.

4. We have heard both the learned counsel and scrutinised the Annexures filed by them. The applicants were only selected to undergo training as fitters for a period of six months by letters dtd.16th/21st.November,1983 issued by the Respondent

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Respondent No.2. It was clarified in the letter itself that if the training was not completed satisfactorily, it would be open to the Administration to extend the period of training. It is also clear from the letter dtd.16th/21st.November,1983 that the applicants were only being paid a " stipend " and not salary during the period of this training. Since the applicant did not qualify in the trade test, they were given further training of four weeks. They were finally offered an appointment by letter dtd.28.3.84 issued by Respondent no.2. The claim of the applicants to be placed higher on the gradation list than those who have passed the trade test earlier and been appointed earlier cannot be accepted.The application has no merit and is dismissed as such with no order as to cost.

[Signature]
12-2-92
VICE-CHAIRMAN.

[Signature]
12.2.92
MEMBER (ADMINISTRATION)

Central Administrative Tribunal,
Cuttack Bench, Cuttack/ Hossain.

