

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

OA 273 of 1996

Present : Hon'ble Mr. Mukesh Kumar Gupta, Judicial Member
Hon'ble Mr. M.K. Mishra, Administrative Member

C.K. Chattopadhyay & Ors.

- VS -

C L W

For the Applicants : None

For the Respondents : Ms. U. Bhattacharjee, Counsel

Date of Order : 21-12-2004

ORDER

MR. MUKESH KR. GUPTA, JM

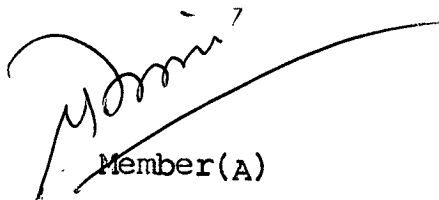
Mr. S.K. Dutta, Ld.Counsel, who appeared in this case earlier, states that the applicants have collected the brief from him and as such he would not appear in this case. Since none appeared for the applicants and this being a matter of year 1996, we decided to proceed with the case based on pleadings available on record and after hearing Ld. Counsel for the respondents.

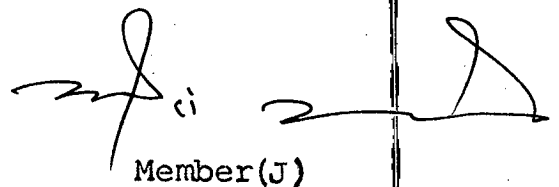
2. The claim made by the applicants in this application is that direction be issued to the respondents to impart technical training and to post them in the works with retrospective effect. The grounds as urged in the application are that the applicants were appointed in Class IV category when they failed to qualify for appointment in Class III. It is contended that they had joined the post in question in April, 1991 and the respondents have discriminated them illegally, unjustly and arbitrarily.

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3. The respondents in their reply resisted the applicant's claim on the ground of limitation ~~but~~ ^{and} contending that the applicants were appointed in the year 1991 and the present application was instituted on 29-2-1996. On merits it was pointed out that since the applicants failed to pass the written examination held for Group 'C' post in Ministerial cadre, they could not be appointed to the said grade. It is further contended that rather favour has been shown to the applicants while appointing them in Class IV grade.

4. On perusal of the pleadings we find that the applicants were appointed on compassionate ground and they joined the said post of Group 'D' in the year 1991. So, they cannot challenge the same at the balated stage and they cannot claim that they must be appointed to Group 'C' post after imparting training as provided to the said grade. In view of above, we find no justification in the applicants' claim and the same is accordingly dismissed. No costs.


Member(A)


Member(J)

DKN