

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
J_O_D_H_P_U_R

Date of Order : 28.9.2000.

O.A. No. 142/1995

Laxmi Narayan S/O Shri Gopal Ram, aged about 46 years, R/O Old Line Ganga Sahar Bikaner, at present employed on the post of F.G.M. under G.E. (Army) Bikaner.

2. Mohan Lal S/O Shri Prem Singh, aged about 35 years, R/O Village & Post Palana Tehsil and Distt. Bikaner, at present employed on the post of F G M under G E (Army) Bikaner.

3. Hastmal Gehlot S/O Shri Kishan Lal, aged about 34 years R/O of Near Bheru Dan Kothari Ka Bangow Rani Bazar Bikaner, at present employed on the post of F G M under G E (Army) Bikaner.

... Applicants

Vs

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1. Union of India through Secretary to Government of India, Ministry of Defence, Raksha Bhawan, New Delhi.
 2. Chief Engineer, Western Command, Jallendhar.
 3. Commander works Engineer (P) Air Force, Bikaner.

... Respondents

O.A. No. 137/1997

1. Shyam Sunder S/O Shri Natha Ram, aged about 33 years, R/O of H.No. 380/6 MES Colony GE (AE) Suratgarh, at present employed on the post of Fitter General Mechanic in the office of G.E. (AF) Suratgarh.
2. Ramawtar Pal S/O Shri Rambharosi Pal, aged about 39 years resident of RCP Tibba Colony qrt. No.442 Suratgarh at present employeed on the post of Fitter General Mechanic in the office of GE (AE) Suratgarh.

... Applicants

Vs

1. Union of India through Secretary to G/I, Minister of Defence, Raksha Bhawan, New Delhi.

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- 2 -

2. The Chief Engineer, Western Command, Jallandhar.
3. The Commander Works Engineer (P) Air Force, Bikaner (Rajasthan)
4. Shri Karnail Singh, F.G.M. Grd. II office of Garrison Engineer (Air Force) Suratgarh.
5. Shri Daya Prasad, F.G.M. Grd. II, office of the Garrison Engineer (AF) Suratgarh.

... Respondents

O.A. No. 138/97

Sl.No.	Name of applicant	MES No.	Approx. age	Place of posting :
1.	Chhotey Lal.	3667742	40 Yrs.	GE (Army) Suratgarh
2.	Pawan Kumar Singh	369461	35 "	"
3.	Resham Singh	374405	36 "	"
4.	Ram Niwas Meena	313431	30 "	"
5.	Om Prakash Arya	374117	32 "	"
6.	Mahaveer Prasad	367403	41 "	"
7.	Manphool Ram	A/12542333	45 "	"
8.	Suresh Kumar	367409	38 "	"
9.	Sube Lal	367400	40 "	"
10.	Pratap Singh	377413	39 "	"

Address for correspondence :

C/9 Mahaveer Prasad Pareek, Chander Shekhar Chowk
Suratgarh Distt. Sri Ganganagar (Rajasthan)

Office Address :

Employed on the post of Fitter General Mechanic in the office of G.E. (Army) Suratgarh District Sri Ganganagar. (Raj)

... Applicants

Vs

1. Union of India through Secretary to G/I, Ministry of Defence, Raksha Bhawan, New Delhi-1
2. The Chief Enginner, Western Command, Jallandhar.

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- 3 -

3. The Commander Works Engineer (P) Air Force, Bikaner. (Rajasthan)
4. Sh. Govind Ram Verma, Fitter General Mechanic Grade II, office of G.E. (Army) Suratgarh.
5. Shri Maru Ram, Fitter General Mechanic Grd. II office of G.E. (Army) Suratgarh.
6. Shri Parmatma Swroop, Fitter General Mechanic Grd. II, Office of G.E. (Army) Bikaner.

... Respondents

Mr. J.K. Kaushik, Counsel for the Applicants. (In all OAs)

Mr. Kuldeep Mathur, Adv., Brief holder for

Mr. Ravi Bhansali, Counsel for the Respondents in O.A. 142/95.

Mr. Vinaet Mathur, Counsel for the Respondents No. 1 to 3 (in O.A. No.137/97-None present for R-4 & 5 in OA No.137/97.

Mr. S.K. Vyas, Counsel for the Respondents No. 1 to 3 in O.A. No. 138/97.

Mr. V.K. Agarwal, Counsel for the Respondent No. 4 & 5 in O.A. No.138/97- None present for R-6. in OA No.138/97

CORAM :

Hon'ble Mr. Justice B.S. Raikote, Vice Chairman

Hon'ble Mr. Gopal Singh, Administrative Member

O_R_D_E_R

(PER HON'BLE MR. GOPAL SINGH)

The controversy involved as also relief sought in these three applications, is the same and, therefore, these applications are being disposed of by this single order.

2. In these applications under Section 19 of the Administrative Tribunals Act, 1985, applicants have prayed for quashing the complete trade test proceedings including the result, held for promotion to the post of General Fitter Mechanic H.S.II and for a direction to the respondents to hold the trade test after publishing the syllabus and imparting necessary training.

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3. Undisputed fact is that applicants had appeared in the impugned trade test, but failed. After having failed in the trade test they are challenging the selection process on various grounds like syllabus was not published and training was not imparted before taking the test, some ineligible persons were allowed to take the test, Board of Officers was not properly constituted etc.

4. In the counter, the respondents have contested the application on various grounds including limitation in regard to O.A. No.137/97 and 138/97. It is submitted by the respondents that impugned orders dated 22.3.'95 and 30.5.'95 are being challenged in these O.As filed on 4.12.'96. Thus, both the applications can be dismissed on this ground alone. It has further been averred by the respondents that since the benefit under the scheme was to be extended to the employees immediately, they were required to answer, question paper pertaining to their trade only and in interview also questions relating to their trade were asked. As such the applicants were not put to any disadvantage. It has, therefore been stated by the respondents that no training was necessary and no syllabus was framed. Moreover, as has been stated above no prejudices have been caused to the applicants since they in ~~were tested~~ their own trade.

5. We have heard the learned Counsel for the parties, and perused the records of the case carefully.

6. It has been pointed out by the respondents that the applicants were subjected to trade test in their own trade and in interview also they were asked questions pertaining to their trade only. This has not been contested by the applicants. We, therefore, feel no prejudice was caused to the applicants by conducting the trade test without notifying the syllabus or imparting training. It is also seen from the

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- 5 -

scheme for fitment of industrial workers in MES left out categories (the scheme for short) (Annexure A/4) that since the trademan of the clubbed category were expected to know the job of various trades as per the functional requirement and to equip them with adequate skills, C.E. Commands were asked to formulate necessary training programmes for considering their suitability/eligibility for higher grades. This stipulation of formulating necessary training programmes, to our mind, would be relevant for ~~future~~ assessment of the employee for higher grades. It is also seen from the scheme that it was announced vide letters dated 6.7.94 and 8.7.94 and was required to be completely implemented by 31.3.95.

By this scheme ~~eight~~ trades were clubbed together to be called as Fitter General Mechanic. We are firmly of the view that it was not feasible to prescribe a syllabus so as to cover all the eight trades in one and then impart training for all the eight trade so as to make the applicants conversant with all the trades before the trade test, within a period of about eight months available to the respondents to fill up the upgraded posts. As the applicants have been trade tested in their own trade we are firmly of the view that no disadvantage has been caused to them by organizing trade test without impacting training.

7. As has been mentioned earlier, the applicants have appeared in the trade test and failed. In (1990) 12 ATC 625 Dhirendra Kumar Vs Union of India, the Principal Bench of Central Administrative Tribunal has held that a person having appeared in a selection and failed cannot question the selection process.

8. In the light of above discussion, we are of the view that the application is devoid of any merit and deserves dismissal.

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- 6 -

9. The Original Applications ~~are~~ accordingly dismissed
with no order as to costs.

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(GOPAL SINGH)
Adm. Member

BS
(B.S. RAIKOTE)
Vice Chairman

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