

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH:JODHPUR

*3/11*  
Date of Order : 12.4.2002.

1. O.A.NO. 204/1998
2. O.A.NO. 296/2000

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Chandra Bhan S/o Shri Nathu Ram, aged about 34 years, r/o Gali No. 6, Panj Peer Nagar, Abohar 152116, at present employed on the post of FGM SK MES NO. 374019 in the office of Garrison Engineer (MES), Abohar, Distt. Firozpur.

.....Applicant in OA 204/1998

VERSUS

1. Union of India through Secretary to Government of India, Ministry of Defence, Raksha Bhawan, New Delhi.
2. Commander Works Engineer, Sriganganagar.
3. Shri Kailash Ram FGM HS-II, Under G.E., Lalgarh Jatton, Distt. Sriganganagar. District Sriganganagar.
4. Shri Rohitash Singh , FGM-II, Under G.E. Sriganganagar, Distt. Sriganganagar.

.....Respondents.

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1. Banwari Lal S/o Shri Sunder Ram aged about 34 years.
2. Sohan Singh S/o Shri Karnel Singh aged about 37 years.
3. Vidya Sagar S/o Shri Nikka Ram aged about 35 years.
4. Lal Chand S/o Shri Manphool Ram aged about 35 years.
5. Leela Ram S/o Shri Laxman Ram aged about 35 years.
6. Surender Kumar S/o Shri Sumariya Ram aged about 42 years.
7. Labh Singh S/o Shri Mukand Singh aged about 37 years.

*Cirfa/S*

Address for correspondence : C/o Shri Leela Ram, MES Colony, Qtr. No. 27, Fazilka Cantt. Official Address : Applicant No. 1 to 6 are employed on the post of FGM SK, in the office of AGE B/R MES, Fazilka Cantt. Applicant no.7 is employed on the post of FGM SK in the office of GE, MES, Abohar.

.....Applicant in OA No. 296/2000

VERSUS

1. Union of India, through Secretary to Govt. of India, Ministry of Defence, Raksha Bhawan, New Delhi.
2. Commander Works Engineer, MES, Sriganganagar.
3. Shri Kailash Ram FGM HS-I, O/O GE MES, Lalgarh, Jattan, Distt. Sriganganagar.

Rohtas Singh, FGM HS-I, Through Garrison Engineer, MES, Sriganganagar, District Sriganganagar.

.....Respondents

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Mr. B.Khan Counsel for the applicants.

Mr. S.K.Vyas, Counsel for the respondents No. 1 and 2 (OA 204/98)

None is present for the respondents No. 3 and 4 (OA 204/98)

Mr. Kuldeep Mathur, Advocate, brief holder for

Mr. Ravi Bhansali, Counsel for respondents No. 1 and 2 (OA 296/2000)

None is present for the respondents No. 3 and 4 (OA 296/2000)

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CORAM :

Hon'ble Mr. Justice O.P.Garg, Vice Chairman

Hon'ble Mr. Gopal Singh, Administrative Member

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PER MR.GOPAL SINGH :

The controversy involved in both these applications is the same and the relief sought is also the same. Therefore, both these applications are disposed of by this common order.

*Gopal Singh*

2. In OA No. 204/1998, applicant, Chandra Bhan, has prayed for quashing the impugned order dated 3.4.1998 (Annex.A/1) rejecting the claim of the applicant for conducting his trade test for the post of H.S.-II and for a direction to the respondents to conduct his trade test for the post of Fitter General Mechanic H.S.-II (FGM HS-II) and allow all consequential benefits. Similarly, applicants in OA 296/2000, have prayed for a direction to the respondents to consider them for promotion to the post of FGM HS-II from the date their next juniors have been promoted, with all consequential benefits.

3. All the applicants have been presently working on the post of Fitter General Mechanic (Skilled) and their grievance is that two of Scheduled Tribe category candidates, though, junior to them, have been permitted to take trade test for the post of FGM HS-II and on having qualified in the said trade test, have been promoted as such ignoring the seniority of the applicants. It is also contended by the applicants that in the trade test reservation would not apply.

In the counter, it has been stated by the respondents that the trade test for FGM HS-II, has been conducted strictly on seniority basis. The FGMs having seniority up to 31.3.1987 were only allowed to appear in the trade test and all the applicants joined the post of FGM much after 31.3.1987 and, therefore, they were not called for the trade test. It is also pointed out by the respondents that the individuals belonging to Scheduled Caste / Scheduled Tribe categories with seniority in the present grade up to 11.9.1991 were also invited for the trade test and those who qualified in the trade test, were appointed against the reserved points as per the reservation policy. It has, therefore, been averred by the respondents that both the applications are misconceived and are liable to be dismissed.

5. We have heard the learned counsel for the parties and perused record of the case.

*Copy attached*

6. It is not in dispute that promotion to the post of FGM H.S.-II attracts roster reservation policy and the points reserved for Scheduled Caste / Scheduled Tribe categories, would be filled up by the candidates of those categories and for that purposes Scheduled Caste / Scheduled Tribe category candidates though much junior in the seniority list, would have to be called for the trade test. It is not correct to say that no roster reservation is provided for trade test. As a matter of fact, trade test is conducted to fill up the vacant posts and the posts are to be filled up as per the roster reservation and if, Scheduled Caste / Scheduled Tribe category candidates are not invited to take the trade test, vacancies reserved for them, would not be filled up. In these circumstances, we are firmly of the view that the grievance of the applicants against the Scheduled Caste / Scheduled Tribe candidates is not sustainable and we do not find any merit in these applications. Both the Applications are liable to be dismissed. Accordingly, we pass the order as under :-

"Both the Original Applications (OAs No. 204/1998 and 296/2000), are hereby dismissed with no order as to costs."

Gopal Singh  
(Gopal Singh)  
Adm.Member

leaf  
(Justice O.P.Garg)  
Vice Chairman

mehta