

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,  
J\_O\_D\_H\_P\_U\_R.

Date of Order : 29.8.2000.

O.A. No. 218/1998

Hukam Singh Chouhan, S/O Shri Heer Singh Chouhan,  
aged about 43 years, R/O Maderana Colony, Jodhpur  
Presently working on the post of Electrician HS-II  
in the office of G.E. (AF) Jodhpur.

... Applicant

VS

1. Union of India through the Secretary, Ministry  
of Defence, New Delhi.
2. Chief Engineer (AIR Force) Camp-Hanuman  
Ahmedabad (Gujrat).
3. The C.W.E. (AF) Jodhpur

... Respondents

Mr. S.K. Malik, Counsel for the Applicant.

Mr. S.K. Nanda, Counsel for the Respondents.

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 )

Applicant, Hukam Singh Chouhan, has filed  
this application under Section 19 of the Administrative  
Tribunals Act, 1985 praying for a direction to respondent  
to take final decision on the representation dated  
22.11.1996 and 196.1998 of the applicant.

*Capable*

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2. Applicant's <sup>case</sup> /is that he was initially appointed as Switch Board Attendant with effect from 8.1.'79 with the respondent-department and was promoted as Electrician (Skilled) w.e.f. 17.1.'86. It is the contention of the applicant that some of his juniors were promoted as Electrician Highly Skilled Grd. II w.e.f. 1.10.'88 on the basis of a trade test held in February, 1988, and the applicant's name was omitted for sponsoring him for the trade test. The applicant also, represented his case through the JCM in January, 1989, where it was decided that the individual concerned may be asked to appear in the next trade test. The applicant appeared in the trade test on 3.3.'94 and was declared successful in that trade test. Thereafter he was promoted as Electrician Highly Skilled Grade II w.e.f. 22.10.'96. It is contended by the applicant that since he was not sent for the trade test in 1988 because of the fault of the administration his promotion to the post of Electrician H.S. Grade II should be made effective from 1.10.'88 when his juniors were promoted to that post. Applicant submitted his representation in this regard on 22.11.'96 but to no avail. Hence, this application.

3. In the counter, the respondents have submitted that the applicant was sponsored for the trade test held in February, 1988, but he was not found eligible and, therefore, he was not allowed to take the test. The applicant appeared in trade test held on 3.3.'94 and on passing the same he was promoted w.e.f. 22.10.96. It has also been pointed out by the respondents that the representation dated 22.11.'96 of the applicant was replied

*Upadhyay*

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to vide respondents' letter dated 1.8.'98 (Annex. R/3) before he filed this application on 24.8.'98. The applicant has thus suppressed this fact from the Tribunal.

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

5. Learned Counsel for the applicant has also stated that one similarly situated person Ishwar Singh, who was declared ineligible for the trade test held in 1988, and had passed the trade test held on 3.3.'94 alongwith the applicant, had been given promotion to HS-II with effect from 15.10.'84, consequent upon a direction by this Tribunal in O.A. No.92/95-Ishwar Singh Vs UOI & Ors. decided on 22.11.'95. Therefore, he has urged that the applicant should also be treated accordingly. We have gone through this Tribunal order dated 22.11.1995 in O.A. No.92/95. In that O.A. the applicant (Ishwar Singh) had sought seniority over one Surya Prakash Goar (Respondent No.4 therein) and this Tribunal in its order dated 22.11.'95 observed as under ;

" We direct that the applicant's representation in regard to his position in the seniority list should be decided by the respondents within a period of 03 months from the date of receipt of copy of this order. As regards his inter se position vis-a-vis Sh. Gaur, Respondent No.4, we do not want to make any order at this stage as that would arise only when his position in the seniority list is properly fixed."

Accordingly, the respondent-department considered the case of Ishwar Singh and accorded him promotion as HS-II w.e.f. 15.10.'84 vide order dated 19.3.'96. It would be seen that Ishwar Singh got the benefit of promotion to HS-II because he was found to be senior to Surya Prakash Gaur who had been given this benefit earlier under the fitment policy for industrial workers effective from

*Capable if*

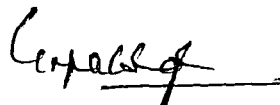
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15-10-'84. In the case in hand, the applicant is seeking promotion to the HS-II w.e.f. 1.10.'88 on the ground that he was not called for trade test held in the year 1988. Thus, the facts of the case of Ishwar Singh and the applicant are distinguishable and therefore ratio of Ishwar Singh's case would not apply to the case in hand.

6. It has already been pointed out that the applicant was declared inelligible for the trade test held in the year 1988 and when his case was discussed in the JCM it was decided that the applicant may appear in the next trade test. The applicant has appeared in the trade test held on 03.3.'94 and was promoted as HS-II on 22.10.96 Representation of the applicant has also been disposed of by the respondents' letter dated 01.8.'98 (Annexure R/3).

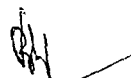
7. In the light of above discussion, we do not find any merit in this application and the same deserves to be dismissed.

8. The Original Application is accordingly dismissed with no order as to costs.



( GOPAL SINGH )  
Adm. Member

\*J\*



( B.S. RAIKOTE )  
Vice Chairman

Recd  
for  
Sec. 100  
AGU  
Shawhan  
6/9/200

Per  
7/6/11  
(Sec. 100)  
6/9/200

Part II and III destroyed  
in my presence on 7-2-07  
under the supervision of  
section officer ( ) as per  
order dated 6/5/11/06

NGAM  
Section officer (Records)

R.