

CENTRAL ADMINISTRATIVE TRIBUNAL
Jodhpur Bench, Jodhpur.

Date of Order : 11/5/2007

1. O.A.No. 246/1998.

Rameshwar Ram son of Shri Jeesukh Ram, aged about 36 years, resident of qtr. No. 164/5, MES Colony, Near Clear Water Complex Sriganganagar, at present employed on the post of Valveman in the office of Garrison Engineer, Sriganganagar.

2. O.A. No. 247/1998.

Babu Singh son of Shri Bhan Singh, aged about 32 years, resident of vill and Po. Chak Kaluwala at present employed on the post of in the office of. Valveman in the office of Garrison Engineer, Sriganganagar.

APPLICANTS

VERSUS

1. Union of India through Secretary to Government of India, Ministry of Defence, Raksha Bhawan, New Delhi.
2. Commander Works Engineer, MES, Sriganganagar.
3. Shri Sukhdev Singh, Valveman MES No. 370212, office of the Garrison Engineer, K LP Area, Abohar.
4. Shri Bhagirath, Mate MES No. 367865, O/o Age B&R, Fazilka, Military Station - Expired name deleted.
5. Ram Chander, Mate, MES No. 313950, O/o Garrison Engineer, Sriganganagar.

RESPONDENTS

Mr. J. K. Kaushik, counsel for the applicants.
Mr. Kuldeep Mathur, Adv. Brief holder for
Mr. Ravi Bhansali, counsel for the respondents No. 1&2.
None present for respondents No. 3 & 5.

CORAM

Hon'ble Mr. A. K. Misra, Judicial member.
Hon'ble Mr. A. P. Nagrath, Administrative member..

ORDER

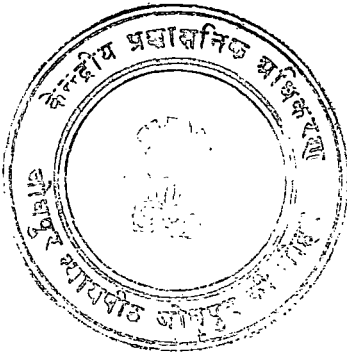
(per Hon'ble Mr. A. K. Misra)

In both these OA's, the point involved to be decided and the relief claimed by the respective applicant is common, therefore, both these OA's are disposed of by a common order.



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2. In these OA's, the respective applicant has prayed that the respondents no. 1 & 2 be directed to produce the Trade Test proceedings held on 2nd December 1998, in respect of applicants and the respondents No. 3 & 4 for the perusal of the Tribunal. It is also prayed that impugned order dated 06.04.1998 (Annexure A-1) be ordered to be modified accordingly with all consequential benefits to the applicants. It is also prayed that the impugned orders dated 16.04.1998 (Annexure A-2) and 27.04.1998 (Annexure A-3) be declared illegal and be quashed. Alternatively, the applicants have prayed that the respondents no. 1 & 2 be directed to conduct trade test, in respect of applicants and allow consequential benefits at par with their juniors.



3. Notices of the OA's were given to the respondents, who have filed their reply to which no rejoinder was filed by any of the applicants.

4. We have heard the learned counsels for the parties and have gone through the case file. We have also seen Marks/Result sheet relating to the trade test in question.

5. From the files, it appears that both the applicants were initially appointed as Valveman. Official respondents organised a trade test for promotion to the post of Pipe Fitter on 02.12.1997. In different trades, there were 9 vacancies and

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29 candidates were called for trade test, 2 persons one of whom was posted outside and another was ^{were not to appear in the Exam.} not eligible, therefore, 27 candidates were called as per the list. It is alleged by the applicants that they had done fairly well in the Trade test, but were declared unsuccessful. In respect of few candidates written test was taken and in few other cases, no written test was conducted. On the other hand, the respondents have stated that no written test was conducted and the trade test was conducted as per the requirements of the Rules. The candidates who had not done well in the trade test and did not secure the requisite pass marks were declared fail, no discrimination was done with any of the candidates. The applicants of both the OA's did not secure the requisite pass marks and were, therefore, not declared pass, the allegations of the applicants are without any foundation.



6. It was argued by the learned counsel for the applicants that the promotion was required to be done strictly in terms of seniority and no trade test was needed, but in view of the departmental Rules relating to such promotions, trade test was required to be done and for conducting the trade test a Board of Officers was required to be constituted. In the instant case trade test was conducted by the Board of Officers as per the requirements of the Rules, therefore, the contention of the learned advocate in the application, that the trade test was not required to be conducted, is without any foundation. From the Result sheet, it appears that various

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candidates who were called were subjected to practical as well as oral examinations, No written test was conducted in respect of any of the candidates, therefore, the averments of the applicants that few of the candidates were subjected to written test and few others were not subjected to written test is also without any foundation. From the result sheet, it appears that no candidate was subjected to any written test. Marks for practical examination were awarded separately and marks for oral test were also awarded separately. Each test was of 25 marks and pass marks were 50%, in respect of each of the examination. The candidates, who did not secure 50% marks in both- practical as well as oral were declared fail. Both the applicants i.e. Rameshwar Ram and Babu Singh did not secure even bare minimum pass marks in any of the two examinations and consequently were declared fail. In view of this, the contention of the applicants that they had done fairly well in the examination is without any basis. When such tests/ examinations are conducted, then awarded marks would regulate the result and not one's own assessment, therefore, the applicants own assessment that they had done fairly well in the examination is of no consequence.

7. In our opinion, both the applicants could not qualify the trade test for being further promoted in terms of the departmental notification, therefore, both the applicants are not entitled to any relief.

8. Both the OA's are without any merit and liable to be dismissed. Therefore, both the OA's are dismissed with no order as to costs.

Sd/-
(A.P. NAGRATH)
Admn. Member

प्रमाणित सही प्रतिलिपि
24/5/2001
प्रनुभाग अधिकारी (न्यायिक)
केन्द्रीय प्रशासनिक अधिकारी
जोधपुर

Sd/-
(A.K. MISRA)
Judl. Member

Part II and III destroyed
in my presence on 24/5/2001
under the supervision of
section number 1234567
order dated 24/5/2001
as per

Section Officer (Records)