

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No. 3/1993

Thursday this the 11th day of November, 1993

Coram

The Hon'ble Mr.Justice Chettur Sankaran Nair, Vice Chairman
The Hon'ble Mr.P. V. Venkatakrishnan, Administrative Member

K. Vasudevan,
Electrical Fitter/P
Southern Railway,
Calicut.Applicant

(By Advocate Mr.P. Sivan Pillai)

Vs.

1. Union of India through the General Manager, Southern Railway, Madras.3.
2. The Divisional Personnel Officer, Southern Railway, Palghat.Respondents

(By Advocate Mr.K. S. Bahuleyan rep. TPM Ibrahim Khan)

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN.

Applicant seeks a direction to respondents to allow him to take a trade test. Applicant is an Electrical Fitter and is I.T.I.qualified. Volunteers were called, for the posts of Welder and Carpenter. Their appointments were to be conditioned by passing a trade test. By Annexure.A4 only one of the volunteers was called for the trade test. Applicant submits that he should also be called. An interim direction was issued and applicant was trade tested.

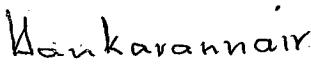
2. According to learned counsel for respondents, the number of persons to be called for trade test, will be limited to the number of vacancies and anticipated vacancies. The principle of seniority cum fitness is followed for filling up the post. Admittedly the post in question is an ex-cadre post and rules regarding selection to cadre posts, do not govern the matter. This is more so because, volunteers are called. Learned counsel for respondents was unable to place before us any rule which extends the rules governing cadre posts to ex-cadre posts filled up with volunteers. Since volunteers are called for and since volunteers are to be appointed on the basis of trade test, it will only be reasonable to assume that all such volunteers will be provided equal opportunity at the trade test. By reason of the interim order, applicant was trade tested.

3. In these circumstances, we direct respondents to choose from among those who have qualified at the trade test according to their respective merits.

4. Application is allowed as above. No costs.

Dated the 11th November, 1993.


P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

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