

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.225/94

Friday, this the 17th day of February, 1995.

CORAM:

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

HON'BLE MR P SURYAPRAKASAM, JUDICIAL MEMBER

OP Sudhakaran,
Working as Vehicle Mechanic,
with present designation
Fitter Pipe HS.II,
Assistant Garrison Engineer E/M.II,
Naval Base, Cochin-14. - Applicant

By Advocate M/s Abraham Vakkanal & Roy P Kuriakose

Vs.

1. The Engineer-in-Chief,
Army Head Quarters,
AHQ.P.O. New Delhi.
2. The Chief Engineer,
Southern Command, Pune-1.
3. The Commander Works Engineer,
Naval Base, Cochin-4.
4. The Garrison Engineer,
Electrical/Mechanical,
Khataribag, Naval Base,
Cochin-14. - Respondents

By Advocate Mr C Kochunni Nair

O R D E R

PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Applicant who is a Fitter Pipe HS.II in the Naval Base, Cochin is aggrieved by the order A1 by which he was transferred as Fitter Pipe HS.II in the office of the Assistant Garrison Engineer, E/M.I. He also challenges the orders A2 and A3 by which his request for reclassification was rejected. Applicant states that he entered service in the Water Supply Section and was promoted as Pipe Fitter. In 1980 by order at A4, applicant was transferred from E/M.I to E/M.II Sub Division. According to applicant, he was actually

performing the duties of a Vehicle Mechanic in the Motor Transport Section from 1980 to 1994 till the impugned order A1 was issued. Applicant fears that by this transfer from E/M.II Sub Division, he will lose his chances of promotion since his recent experience was as vehicle mechanic and he might not pass the trade test in the Water Supply Section.

2. Respondents have stated that according to rules, applicant is not entitled to the change of category and that since he belongs to the Water Supply Section he should take his chances of promotion in that line.

3. We notice from the records that applicant was allowed to work as a Mechanic in M.T.Section. We rely on A3 which states:

"It is not understood as to how a Fitter Pipe HS.II is allowed to work as Mechanic in MT Section."

After having allowed applicant to work as Vehicle Mechanic in the M.T.Section for a long period during which time he acquired experience as a Vehicle Mechanic, it will not be proper for respondents to ask him to take his promotional chances in the Water Supply Section where he has not had experience from 1980 onwards. We also notice that in 1984 the applicant was allowed to undergo a trade test(A17) for the post of Charge Mechanic, but that he failed. According to respondents, this was a mistake, but the fact remains that even after 1984 when the applicant failed in the trade test, he was allowed to continue to work in the same section for another ten years.

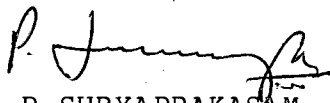
4. Under these circumstances, on considerations of equity, we direct that the applicant be permitted to undergo the next trade test for Charge Mechanic whenever it is to be held in future and till such date, he shall be continued in his original position in E/M.II Sub Division, where he is now continuing by virtue of our interim orders dated 4.2.1994. After the next trade test respondents will take an


appropriate decision in the matter about the future continuance of the applicant in E/M.I or E/M.II Sub Division based on the result of the trade test.

5. Learned counsel for respondents submitted that respondents would be considerably inconvenienced if applicant is given this relief as others may ask for category change which is not permitted under the Rules and that this order should not be a precedent. We accept the submission and record it.

6. Application is disposed of as above. No costs.

Dated, the 17th February, 1995.


P SURYAPRAKASAM
JUDICIAL MEMBER


PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

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