CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Dated on this the 18th day of February, 2002

Coram: Hon'ble Mr.Justice Ashok Agarwal - Chairman
Hon'ble Mrs. Shanta Shastry - Member (A)

OAs 754/2001, 755/2001, 756/2001 & 776/2001

1. Bhausaheb Rangnath Dangle
2. Vithal Haribhau Pawar
3. Dilip Anant Thakur
4. R.Y.Waknis
(By Advocate Shri R.S.Samant in all OAs) -Applicants

VERSUS

1. The Chief Secretary,
Union of India,
New Delhi 100 001.

2. Secretary,
Ministry of Personnel,
Public Grievances & Pensions,
New Delhi 100 001.

3. Secretary,
Ministry of Defence,
New Delhi - 110 001.

4. Engineer-in-Chief,
Kashmir House,
New Delhi.

5. Chief Engineer,
Southern Command,
Pune - 411 001.

6. Chief Engineer,
Pune Zone, Pune 411 001.

7. GE R & D Pashan,
Pune - 411 021.
(By Advocate Shri R.R.Shetty on behalf of Shri R.R.Shetty in all OAs). - Respondents

COMMON ORAL ORDER

By Hon'ble Mrs.Shanta Shastry - Member (A) -

All the four OAs involve common issue and facts, therefore, we are proceeding to dispose them of by a common order. The Advocates are also the same in all the OAs.

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2. The main relief sought in these OAs is to declare that the conduct of trade/departmental test for upgradation under the Assured Career Progression Scheme (for short ACP) is null and void since it is against the policy prescribed under the O.M.dated 9.8.1999 of the Ministry of Personnel, Public Grievances & Pensions, New Delhi and to declare the applicants fit for upgradation under the ACP in the category of Refrigerator Mechanic in the higher pay scale which amounts to upgradation in the level under the ACP Scheme.

3. The only contention of the applicants is that for the purposes of upgradation under the ACP, there is no need to undergo a trade test as is done for normal promotion to a higher pay scale.

3. The position is that all the applicants having appeared in the trade test prescribed failed and therefore the respondents have not given them the upgradation under the ACP. According to the applicants under the ACP it is merely upgradation and not any promotion and, therefore, the norms followed for regular promotion should not have been followed in this case.

4. The learned counsel for the respondents however submits that even for upgradation under the ACP Scheme, the usual norms as are prescribed for promotion under the Recruitment Rules are required to be followed. he has drawn our attention to Para 6 in the Annexure to the O.M.dated 9.8.1999 of the Department of

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Personnel & Training. It has been prescribed therein that even for ACP the normal promotion norms such as 'benchmark, departmental examination, seniority-cum-fitness in Group 'D' etc. are required to be fulfilled. In view of this position, since as per the recruitment rules, a trade test is prescribed for promotion from the grade of Skilled to Highly Skilled Grade II, the usual norms prescribed for promotion need to be followed in the present case also.

5. The respondents have produced the relevant Recruitment Rules. It is seen that in Item No.12 relating to Refrigeration Highly Skilled Grade- II, in Column No.12, it has been prescribed that the post is to be filled by promotion of Electrician (Skilled), should have three years regular service in the grade and should have qualified trade test for the post of Electrician (Highly Skilled) Grade - II as prescribed. It is abundantly clear that even under the ACP Scheme, the passing of trade test as prescribed under the Recruitment Rules is mandatory. Therefore, in our considered view, all these OAs are devoid of merit and deserve to be dismissed.

6. All the four OAs are accordingly dismissed without any order as to costs.

(Smt.S.Shastry)
Member (A)

(Ashok Agarwal)
Chairman

mb

dt 18/2/02
Order/Judgement despatched
to applicant/respondent (s)
on 23/4/02