

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE ... O.A.-98 OF ... O.9

NAME OF THE PARTIES ... R.K. Choubey Applicant

Versus

U.O.L. Respondent

Part A.

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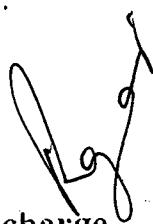
CERTIFICATE

Certified that no further action is required to be taken and that the case is fit for consignment to the record room (decided)

Dated 26/6/11

File B/c destroyed at 09-5-12

Counter Signed.....



Section Officer/In charge

Signature of the
Dealing Assistant

Check for
05/7/12

CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

CB. LKo

Registration No. 98 of 1989 (2).

Exam & Promoti

APPLICANT (s)

Rama Kant Chauhan

RESPONDENT(s)

U O 9 & others (MES)

(Defence)

Particulars to be examined

Endorsement as to result of Examination

1. Is the appeal competent ?
2. (a) Is the application in the prescribed form ?
- (b) Is the application in paper book form ?
- (c) Have six complete sets of the application been filed ?
3. (a) Is the appeal in time ?
- (b) If not, by how many days it is beyond time ?
- (c) Has sufficient cause for not making the application in time, been filed ?

4. Has the document of authorisation/Vakalat-nama been filed ?
5. Is the application accompanied by B. D./Postal-Order for Rs. 50/-
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?

7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?
- (b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?

yes

yes

yes

Two Sets.

yes

—

yes

yes DD 8417/01 dt. 35
89 (50/-)

yes

yes

yes

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET (1)

REGISTRATION NO. O.A.No. 98/89(L) OF 198

APPELLANT
APPLICANT

Rama Kant Chaudhary

DEFENDANT
RESPONDENT

Union of India & ors.

VERSUS

Serial Number of Order Protocol	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
(1)	<u>Hon' Mr. G.S. Sharma, J.M.</u> <u>Hon' Mr. K.J. Raman, A.M.</u>	
9/5/89	Heard the learned counsel for the applicant. Issue notice to the respondents to show cause as to why this petition may not be admitted. List this case on <u>4-7-89 for admission.</u>	<i>W.R.</i>
(2)	<u>Hon' Mr. Justice K. Nath, V.C.</u> <u>Hon' Mr. K.J. Raman, A.M.</u>	<i>No extra notice to be served to the Opp. Ps. have been filed.</i> <i>Submitter for admission on 4-7-89.</i>
4-7-89	Shri R.C. Sharma, learned counsel for the applicant is present. Dr. Dinesh Chandra learned counsel makes appearance on behalf of respondents and requests for and is allowed three weeks time to file counter reply. List this case for <u>admission on 25-7-89.</u> on which date the Opp.Ps. shall also produce the result of the applicant and the case is likely to be disposed of finally.	<i>R.C.</i>
(3)	<i>(sns)</i> No. Sitting Adj. to 25-8-89 25/7	<i>fb</i> <i>No reply filed by the Opp. Ps. as direct Court's order submitted.</i>

98/89 (C)

(2)

28-5-90

Hon. Mr. P. C. Jain, A.M.
Hon. Mr. J. P. Sharma, J.M.

Learned counsel for the respondent has brought some documents, most of which are shown to be certified copies, and only two documents dated 16-5-89 and 9-7-89 appear to be the original documents. The learned counsel for the respondent prays for 4 weeks time to produce the relevant original record at the time of hearing. List on 2-7-90 for hearing. Copy of this order may be given to the learned counsel for the parties.

J.M.

Cm.
A.M.

2-7-90

No sitting adjourned to 10-9-90

J.

SR
S.P.H
L
6/9

10-9-90

Justice
Hon'ble Mr. K. Nath V.C
Hon'ble Mr. M. M. Singh, A.M.

Pul up ~~on~~ 12-9-90

M. M. S.
A.M.

✓
V.C

5-5-92

Hon. Mr. Justice V. L. Savastava, V.C.

For Dinesh Chandra Counsel for the
respondents. It was ordered that the
respondent should file Counter affidavit
it has not been done. Counsel for the
respondents states that the service of
the notice was not placed before
proper authority ~~in the office that is why~~
~~been made so~~ so he could not file
the reply. ~~fresh notices be issued.~~
C. A be filed within 4 weeks and
rejoinder may be filed within 15
weeks thereafter. List this case
on 16.7.92 for admission of may
(DPS) hearing. On that date the case ~~will~~
be disposed of finally.

16.7.92

V. C.

Hon. Mr. Justice V. L. Savastava, V.C.
Hon. Mr. K. Sabayya, A.P.J.

The Counsel for the respondents
is not present. Counter affidavit
has already been filed. He
has also not sent his illness
slip so we are going to
dispose of this case in the
absence of the Counsel for
the respondents.
The judgment dictated seborately.

A.M.

2

(B)

(14)

8.4.91

Applicant appeared
Supplementary counter
has not been filed
so far. Respondent
may file it up
25/4/91 ✓

(15)

25.4.91
D.R.

Both the parties are
present today. Counter
has not been filed so far
Respondent to file counter
by 28/6/91.

(16)

28.6.91
D.R.

Sri R. C. Sharma for
the applicant and Dr.
D. Chandra for the
respondent are
present. Dr. D. Chandra
desires to file counter
by 21/8/91. ✓

16.7.92

Hon. Mr. Justice V. S. Girastava, V.C.
Hon. Mr. K. Obayya, A.M.

The affidavit is before the bench on 13.11.1990 certain queries were made from the Respondents and they were directed to file supplementary affidavit but till today no supplementary affidavit has been filed. We have also directed the Respondents to produce the examination record but the same has also not been produced before us. On 5.5.92, 4 weeks further time was given to the counsel for the Respondents to file the same but he has not filed and on 25.10.92 again 4 weeks time was given for that purpose but no supplementary affidavit has been filed till today. Today, Dr. Dinesh Chandra, counsel for the Respondents requests for 4 weeks time to file the same but his request is rejected and the case is heard and concluded of finally.

Judgment deliverable separately

6

A.M.

V.C.

8

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH.

•••

Registration O.A. No. 98 of 1989

Ramakant Chauhan Applicant.

Versus

Union of India
and others Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. K. Obayya, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant was appointed as Mazdoor in the office of the respondent no. 4 w.e.f. 5.4.1983 and worked there till 9.5.1988, thereafter he was transferred to the office of AGE Bakshi-ka-Talab under the control of the respondent no. 5. As per rules, he became eligible to appear for promotion test, namely for the post of Motor Pump Operator in the year 1986, after completing three years of service. Therefore, he appeared in the examination which took place on 4.3.1987. The result of the successful candidate was declared but according to him, his result was not declared. He brought it to the notice of the commanding officer and sent reminders after reminders but no action in the same was taken. Although one who appeared in the examination held on 25.4.1987 his result was declared but the applicant was informed on 4.11.1988 that as the seniority of the candidates upto 31.12.1982 was taken into consideration and as his seniority is from 5.4.1983, he was not selected for test. Due to wrongful deprivation of the applicant by the respondents for his promotion, the applicant by means of this application has prayed that the respondent Nos. 3 and 4 be directed to declare the result of the applicant ^{in the examination} conducted by the respondent no. 4 for the post

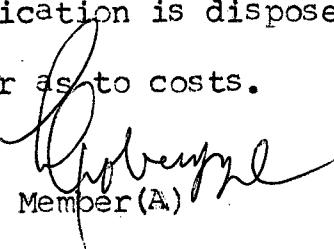
of Motor Pump Attendant on 4.3.1987, and the result so communicated be entered in the service book of the applicant by issuing suitable command to respondent Nos. 2 and 5.

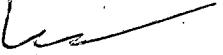
2. The respondents in their counter affidavit have stated that the proceedings of the trade test board were not approved by the Chief Engineer and were returned vide his letter dated 3.4.1987 for rectification of the discrepancies in terms of the guidelines spelled out therein. It was pointed out that the number of trade tested should not exceed three times the number of vacancies available. It was further pointed out that the trade test should be held in accordance with three grade structure and only feeding categories are to be allowed to appear in the trade test. Thus, the Chief Engineer ^{way} advised to conduct the test again keeping in view the guideline as ~~as~~ envisaged in the above letter. Consequently, the proceedings of the trade test held on 4.3.1987 were cancelled and another trade test took place on 23.4.1987. The applicant was not eligible to appear in the said trade test in accordance to the above instructions. So far as the provisions of rule is concerned, he appeared in the trade test for the post of Valveman for which sufficient number of vacancies were available and the eligible penal was large enough to include his name based on the principle of three persons to be considered for every one vacancy. The eligibility was determined on the basis of guideline received from the Chief Engineer, and as such, the contention of the applicant that he has wrongly been deprived is not correct. This Tribunal vide its order dated 13.11.1990 after noticing that the main defence of the respondents is that the applicant did not fall within the zone of

consideration on the basis of the criterion of the three candidates for one vacancy. They were directed to file a supplementary counter affidavit within 6 weeks stating there in the number of vacancies of Motor Pump Attendants for 1986 which the trade test was held on 4.3.1987. They were also directed to file the seniority list of the eligible candidates, but the same has not been done.

3. The learned counsel for the respondents who in the mean time produced the record before us which indicates that there were 37 vacancies in the month of March, 1987 when the applicant appeared and obviously, the applicant succeeded in the same and it is said that no such cancellation order has been produced on the record except that a reference finds place in some letters. In the second examination, the assertion made by the applicant that his position was at Sl. No. 75 has not been denied, but what has been stated by the respondents is that he was not within the merit list. The position was explained to the applicant by the Garrison Engineer vide his letter dated 22.2.1988. The applicant has been informed that the result of the trade test held in March, 1987 was not considered necessarily due to less number of vacancies. Seniority to the trade test was taken into consideration upto 31.12.1982, although, this appear not to be the case. As according to the plea which has been taken in the counter affidavit, it appears that three persons were considered against one vacancy. It appears that no clear stand has been taken by the respondents, as such, there appears to be no reason why the contention of the applicant should not be accepted. As the applicant has already passed the trade test, in which he appeared because he was permitted by the respondents, he shall be given an appointment in respect of the available vacancies. In case, the applicant's

position was within the number of vacancies when the first examination took place, he may given an appointment. But, when the test took place second time, and the applicant has gained the position countable in the merit list, he ~~may~~ ^{can be given} get appointment taking into consideration the number of vacancies. The respondents have committed an error in allowing more candidates to appear in the examination and the candidate should not be made to suffer entirely on the fault of the department. The application is disposed of ⁱⁿ with the above terms. No order as to costs.


Member (A)


Vice-Chairman

Dated: 16.7.1992

(n.u.)

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
CIRCUIT BENCH, LUCKNOW

O.A. - 98

Central Administrative Tribunal
of 1989 Circuit Bench Lucknow

Date of Filing 05.5.89

Date of Receipt by Post

List before court on 09-5-89

Deputy Registrar (J) 05/5/89

Ramakant Chauhan - - - - - Petitioner

Versus

Union of India and others - - - - - O.Ps/Respondents

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For use in
Tribunal Office

RK Chauhan
Signature of the Applicant

Date of filing

or

Date of receipt by post

5/5/89

Registration no

(13)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

Registration O.A. no - 98 - - - of 1989 (L)

RAMAKANT CHAUBEY, s/o Sri Bharat Chaube, Mazdoor,
A.G.E, Bakshi-ka-Talab, G.E. (West) Lucknow

- - - - - Petitioner

VERSUS

1. Union of India, through the Secretary Min. of Defence, Govt. of India, New Delhi.
2. Chief Engineer Central Command, M.G.Marg Lucknow
3. Chief Engineer Northern Command, c/o 56 A.P.O
4. Commander Works Engineer, 5241, c/o 56 A.P.O
5. Garrison Engineer (West), 111 Sardar Patel Marg Lucknow

- - - - - Opposite Parties

Adm.

Under Sec 19 of the Central Tribunal Act 1985

RK Chaubey
(i) Particulars of Applicant

(i) Name of the Applicant : Ramakant Chaube

(ii) Name of Father : Sri Bharat Chaube

(iii) Designation and office : Mazdoor, A.G.E, Bakshi
in which employed : Ka-Talab, Lucknow

(iv) Office address : A.G.E, Bakshi-ka-Talab
Lucknow

(2) Particulars of the Respondents :

1. Union of India, Min. of India, Govt of India, New Delhi.
2. Chief Engineer, Central Command, M.G.Marg Lucknow
3. Chief Engineer, Northern Command c/o 56 APO
4. Commander Works Engineer, 5241, c/o 56 APO
5. Garisson Engineer (west), 11 Sardar Patel Marg Lucknow

(3) Particular of the order against which application is made.

- (i) Order : C.E. Northern Command c/o 56 APO letter No 416/Ind/350/E1C(2)
- (ii) Date : dated 20 Feb 89
- (iii) Passed : CE Northern Command c/o 56 APO by
- (iv) Subject : Non declaration of Trade test in dated 4.3.87, in which the brief applicant had appeared.

(4) Jurisdiction of the Tribunal : The petitioner declares that the subject matter of the order against he wants redressal is within the jurisdiction of this Tribunal.

(5) Limitation : The petitioner further declares that the application is within time and limitation prescribed u/s 21 of the Central Adm. Act 1985.

(6) Facts of the case. : (i) That the petitioner was appointed as Mazdoor in the office of O.P no 4 w.e.f 5.4.1983 and worked there till 8.4.1988. Since 9.4.1988, the petitioner has been transferred to the office of ~~xxxx~~ AGE Bakshi-ka-Talab under the control of OP no 5.

R K Chahay

(ii)

That as per rules framed in this regard, the petitioner became eligible to appear for promotion test, namely, for the post of Motor Pump Operator in the year 1986, after completing three years of service.

He therefore appeared for the test of Motor Pump Attendant conducted by CWE 5241, c/o 56 APO on 4.3.87. A copy of the order providing eligibility of Mazdoors after three years of service is ~~xxxx~~ annexed as Ann '1' to this petition.

(iii) That as per the rules, the results of the participants is declared and is entered in their service books. The successful candidates are then appointed as and when vacancies arise and do not have to appear again. It may be submitted that the results of those failed is also declared and they are permitted to appear in subsequent examinations.

(iv) That a specimen of the order PART II, publishing the casualty of appearance and the result declared thereof is annexed herewith as Ann '2' to this petition.

A perusal will indicate that it is PART II order passed by GE 6356, bearing no 24 dated 15 Jun 87 and it lists the results of candidates who appeared subsequent to ^R the petitioner, on 25.4.87. ^R The petitioner appeared in this test too.

(v) That petitioner was much worried to know that his results was not declared whereas all of the rest of candidates' results was published.

(vi) That the petitioner brought the matter to the notice of his Commanding Officer, CWE 5241, c/o 56 APO who did not reply. The petitioner thereafter represented to the O.P No 5, who was the superior officer of O.P No 4, but no body bothered to reply or to give justice to the petitioner a poor class IV Mazdoor.

(vii) That the petitioner was transferred to
Contd page 4

the present place of posting, viz, AGC, Bakshi-ka-Talab Lucknow in Apr 88. During the course of his tenure at 5241 C/o 56 APO, the petitioner repeatedly requests his superiors that his result of Trade Test be declared but no action was taken. The petitioner sent reminders through proper channel to his previous unit Commander, the OP no 4, and for the first time, on 4 Nov 88, he was informed that as the seniority upto 31 Dec 82 was taken into consideration, and as the petitioner's seniority is from 5.4.83, he was not selected for Test. A copy of this letter is Ann '3' to this petition.

(viii) That this contention of the authority was incorrect. A perusal of Part II order dated 15 Jun 87 will show that Kul Bhushan Mazdoor, appeared on 25.4.87, and his result was declared at srl 51, Ann '2'.

(ix) That the seniority of Sri Kulbhushan is w.e.f 20.4.83, and he is junior to the petitioner. A copy of order showing appointment of Kul Bhushan is Ann '4' to this ~~exist~~ petition.

(x) That it is therefore clear that the authorities tried to hush up the matter by giving false reasons. The petitioner therefore represented to the authorities again vide his petition dated 3.1.89, addressed to the E-in-C, Army Hq New Delhi, a copy of which is Ann '5' to this petition.

(xi) That the reply to the above mentioned representation was communicated to the petitioner vide GE (west) Lucknow letter no 1071/Ind/571/EID dated 14 Mar 89 which is also impugned in this petition and which is Annexed as Ann '6' to this petition.

R K Shukla

(xii) That a perusal of this letter will show that the authorities have changed their stand and now the

reason given is that the applicant did not fall in merit as such the result was withheld.

(xiii) That as already submitted, the authorities are duty bound to declare the result as they have done in the case of others. There is no question of any merit list, as this is not a selection test, but is acquisition of qualification for promotion.

(xiv) That the above arbitrary action of the O.P No 4 has resulted in great injustice to the petitioner as after coming to Lucknow, he would be allowed to appear in the Trade test only after those already serving here have been given a chance. Had the result of petitioner's Test been declared, he could have been appointed in the coming vacancy straightway.

(xv) That the action of the opposite parties nos 4 and 3, is against the procedure laid down in this regard and is discriminatory in as much as the results of other contestants, including those juniors to the petitioner have been declared.

(xvi) That the petitioner is a poor class IV servant and has knocked the doors of his superiors for justice but in vain and that is why he has approached this Hon. Tribunal for grant of justice.

(7) Details of Remedies: The petitioner declares that Exhausted. he had made representation against the non action of OP no 4, to superior authorities, Ann '5' which was rejected vide Ann 6.

RK Shabey

(8) Matter not pending : The petitioner further declares with any other Court that the matter regarding declaration of result is not pending before any Court or Bench of the Tribunal.

(9) Relief Sought :

In view of the facts and circumstances mentioned in para 6 above the petitioner prays for the Following relief :

(a)

That this Hon'ble Tribunal may kindly direct the O.P Nos 3 and 4 to declare the result of the petitioner, of examination of Motor Pump Attendant Trade Test conducted by OP no 4 on 4.3.87 at an early date,

(b)

That the result so communicated be entered in the service book of the petitioner by issuing suitable command to OP nos 2 and 5.

(c)

Any other relief this Hon'ble Tribunal deem fit and just.

(10) Interim Relief :

There is no prayer for any interim relief.

(11) Particulars of the Bank Draft/Postal Order in respect of the application fee.

1. Name of the Bank on which drawn : NA

2. Name of the issuing post office : G.P.O Lucknow

3. Date of issue of postal order : DD/4 841701 dt 3/5/89 for Rs 50/-

4. Post Office at which payable :

(12) Details of Index : An index containing the details of the documents to be relied upon is annexed.

(13) List of Documents

CONTD page 7

1. Letter showing qualification for the post of Pump House Operator.
2. Copy of PART II ORDER no 24 dated 15 Jun 1987 by G.E (B) 6356, c/o 56 APO
3. Copy of CWE 5241 latter no 1115/TT/120/E1P dated 25 Nov 88.
4. Copy of PTO No 16 dated 18 Apr 1983, sheet no three passed by GE 6356 c/o 56 APO
5. Representation dt 3.1.89 by the petitioner to the E-in -C, Army HQ New Delhi
6. Copy of GE (West) Lucknow letter no 1071/Ind/571/ E1D dated 14 Mar 89.

VERIFICATION

I, Ramakant Chaube, aged about 29 years, s/o Sri Bharat Chaube, r/o care Dilip Cloth House, Bakshi ka-Talab, Lucknow, working as Mazdoor, in AGM's office at BKT, Lucknow, do hereby verify that the contents of paras 1 to 5 and 6(1) to 6 (xvi) of this petition are true to my personal knowledge and belief and that I have not suppressed any material fact.

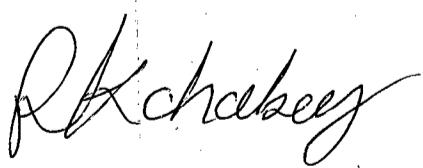
Lucknow

Dated: 05 May 89


(Ramakant Chaube)
Signature of the applicant

To

The Registrar
Central Administrative Tribunal
Circuit Bench Lucknow



Before the Non Central Adm. Tribunal A/10/19
at Lucknow

ब अदालत श्रीमान्
। वादी । अपीलान्ट

श्री
प्रतिवादी [रेस्पाइट]

का

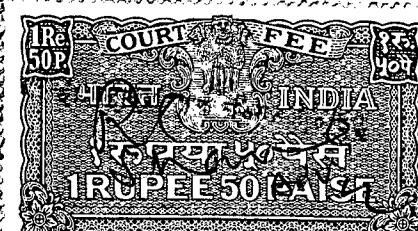
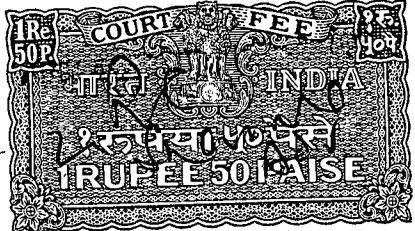
Ramakant chaubey

महोदय

१०

२०

वकालतनामा



Ramakant chaubey vs. Chmn of JIIG & others
बनाम प्रतिवादी (रेस्पाइट)

नं० मुकदमा

सन्

पेशी की ता०

१६ ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री R. C. Sharma Advocate

24 Patel Nagar Lucknow-5

वकील

महोदय

एडवोकेट

बनाम
मुकदमा नं०
नाम फरीदन

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाब देही व प्रश्नोंत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रूपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकदमा उठावें या कोई रूपया जमा करें या हमारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करें—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह मी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

Accepted

R. C. Sharma

(R. C. Sharma)
Advocate 5/5/85

साक्षी (गवाह)

हस्ताक्षर

R. K. Chabey

साक्षी (गवाह)

दिनांक

महीना

सन् १६ ई०

स्वीकृत

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

CIRCUIT BENCH, LUCKNOW

(2)

Regtn no 0.A. - - 98 - - 1989 (2)

Ramakant Chaubey - - - - - Petitioner

Versus

Union of India and others - - - - - Respondents

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Srl No	Particulars of Documents	Page no
1.	letter showing qualification for MPV Pump House Operator	1
2.	Part II order no 24 dated 15 Jun 87, by GE (E) 6356 c/o 56 APO	2
3.	CWE letter no 1115/TT/120/E1P dated 25 Nov 88. (CWE 5241)	3
4.	Part II order dt 18 Apr 83 by GE 6356 c/o 56 APO	4
5.	Representation by the petitioner	5, 6
6.	GE (west) Lucknow no 1071/Ind/571/E1D dated 14 Mar 89	7

Lucknow

Dated : 05 May 89

(Ramakant Chaube)
Petitioner

RKchaubey

Before the Cent. Adm. Tribunal, AID at the
OA 1985
Ranakant Chauhan vs Union of India

Ann

*Note:- The crucial date for determining the age limit shall be the closing date for receipt of applications from the candidates in India (other than those in Andaman and Nicobar Islands and Lakshadweep).

In the case of recruitment made through the Employment Exchange, the crucial date for determining the age limit shall be the last date upto which the Employment Exchanges are asked to submit the names.

- Should pass regular trade test as prescribed by Engineer-in-Chief.

Prescribed in column 2

For Examination (Comments to order on difficult terms) Government (unit of 10.)

The Armed Forces personnel including Commissions from the Corps of Engineers due to retire or whom are to be transferred to reserves within a period of one year and having the requisite experience no qualifications prescribed for them in column 7. Such persons would be given deputation terms upto the date on which they are due for release from the Armed Forces, thereafter they may be continued on re-employment. Their number may be limited to 10% of direct recruitment vacancies.

(for us-servicemen)	Post of Fitter Xip/ R.W.R.R. (SS) Requirement.	1. Commander Works Engineer or his nominee - Chairman 2. Major or Executive Engineer Captain or Asst Executive Engineer - Member Engineer - Member 3. Group 'A' Officer not connected with department - Member.
Transfer Transfer of persons holding similar or higher posts in Civil		

service in similar business who possess the educational qualifications prescribed in column 7.

for ex-service men (combatants) transfer on demobilisation/employment into civilian or 10).

Before the Cent. Adm. Tribunal, AID at SLC
Ranakant Chakrabarty vs Union of India

OA — 1989 Ann 2

(23)

(2)

CL (E) 6356 PART III ORDER NO 24 DATED 18 JUNE 1989

PART IV (c) CONTD.

47.	505951 Sh Babu Ram	Maz SDA 25-4-87 Q/Ft Fm	Allowed to appear in the Trade Test of V/ Man and declared ABSENT.
48.	506961 Sh Garu Ram	-do- 25-4-87	Allowed to appear in the Trade Test of V/ Man and declared ABSENT.
49.	506669 Sh Tarsem Lal	-do- 25-4-87	Allowed to appear in the Trade Test of V/ Man and declared ABSENT.
50.	506673 Sh Balbir Singh	-do- 25-4-87	Allowed to appear in the Trade Test of V/ Man and declared FAIL.
51.	506695 Sh Kulbhushan	Maz Q/Ft Fm	Allowed to appear in the Trade Test of V/ Man and declared PASS.
52.	506545 Sh Ashok Kumar	-do- 25-4-87	Allowed to appear in the Trade Test of V/ Man and declared PASS.
53.	364638 Sh Balwant Singh	-do- 25-4-87	Allowed to appear in the Trade Test of H/ Man and declared ABSENT.
54.	502275 Sh Girdharilal	-do- 25-4-87	Allowed to appear in the Trade Test of H/ Man and declared PASS.
		25-4-87	Allowed to appear in the Trade Test of Mate Mason and declared ABSENT.
55.	506913 Sh Roop Lal	--do- 25-4-87	Allowed to appear in the Trade Test of H/ Man and declared ABSENT.
56.	506541 Sh Bachan Lal	-do- 25-4-87	Allowed to appear in the Trade Test of H/ Man and declared PASS.
57.	358524 Sh Diwan Chand	H/Man Ty Fm	25-4-87 Allowed to appear in the Trade Test of H/ Smith and declared FAIL.

Allowed to

AE
for Garrison Engineer

Contd... P/10.

R K Chakrabarty

C.T.C.

Q.C.W.M.
D.V.

Before the Hon'ble Central Adm. Tribunal Allahabad
at Lucknow

Ramakant Chauhan vs Union of India

OA

1985

COPY

Ann 3rd

(3)

(24)

COPY OF C.W.E. 5241 LETTER NO. 1115/TT/120/LIP DATED 25 NOV 86

SUBJECT :- TRADE TEST OF INDUSTRIAL PERSONNEL

1. Refer to Central Command National MES Employees Union, Lucknow letter No. Ref/CCNU/TT/86 dated 04 Nov 86.

2. It is intimated that draft Board proceedings of trade test held on 04 Mar 87, submitted by the presiding Officer were not approved by GE Udaipur Zone following certain observations raised via their letter No 13007/103/zIC(2) dated 03 Apr 87. The observations inter alia pointed out that number of tradesmen tested, exceeded the limit of candidates which should be limited only to 3 times the number of vacancies available. It was also pointed out that trade test should be held in accordance with three grade structure and only feeding categories are to be allowed to appear in the trade test again keeping in view the points as envisaged in their above quoted letter.

3. Consequently trade tests were again conducted on 23 to 28 Apr 87 and on subsequent dates. The candidature was restricted to the ratio of 1:3 i.e. three candidates were trade-tested against one vacancy.

4. Keeping in view of above criteria, seniority of Mazdoor for trade test for promotion to Mate/MPA, Mate/P'ptr, Mate/ Lineman, Mate Wireman etc were considered for seniority upto 31 Dec 1982. The seniority of MES/5066323 Ramakant Chauhan as Mazdoor is 13 Apr 1983 and as such he was not considered for selection of trade test of Mate/MPA.

sd/ x x x x x x x x
Gurdial Singh
Adm Officer
for Commander

Copy to :-

GE Udaipur Zone - Together with a copy of Union letter quoted above.

RK Chauhan

C.T.C
R.K. Chauhan
R.K. Chauhan

Before the Hon'ble Central Adm'rs Tribunal, AID at K.L.
Rama Kant Choubey, V.C.U. Union of India, Lucknow

OA No. ————— 1985

From :- MES- 506693, Rama Kant Choubey
AGE, Bakshi-ka-Talab, G.E. (West)
LUCKNOW

Office Copy (5)

To

The Hon'ble Engineer-In-Chief
Army Headquarters
New Delhi

Ann. 5

THROUGH PROPER CHANNEL

SUB: REDRESSAL OF GRIEVANCES

Respected Sir,

Most respectfully I beg to submit the following for your kind information and necessary orders please.

1. That I am serving as a regular Mazdoor, at present posted at AGE BKT, under GE (W) Lucknow. I was appointed w.e.f 5.4.1983 by GE(E) 6356 c/o 56 APO and have joined the above unit on transfer in Apr 88
2. That as per orders in force, after completing 3 years of service, I appeared for a test, the Trade test of Mate/MPA on 04.3.87, conducted by CWE 5241, c/o 56 APO, the result of which was never communicated to me.
3. That the presiding officer of the above test was Lt Col Pal and Capt M.L.Sharma was one of the members.
4. That on repeated requests to declare the result of the above test, GE (P) 6359, c/o 56 APO informed me vide letter no 1112/118/EID dated 22 Feb 88, that the result was not required to be communicated as the number of vacancies was less and the seniority upto 31 Dec 82 was taken into consideration. A copy of this letter is attached with this application for your kind perusal.
5. That the above reason informed to me was not correct as not only that the mazdoors of my seniority were promoted but fresh direct recruitment was also made. This is gross injustice to the petitioner before your Honour.
6. That it may further be submitted that even if the petitioner could not be promoted, my ~~xx~~ result could have been declared and the casualty be entered in my service book as procedure, so that I could be promoted without examination in future vacancy. The excuse of my superiors that result was not declared for want of vacancies is not a just reason as I had prayed for declaration and entering of result in my service book if I had passed, and not for promotion. I wonder what is the hitch in granting this request as in case I have passed the test, I am entitled to get the benefit of it.

Re-cd-fmld/fmld
D.C. (M.C. 1988)
P. 2/2
31.12.88

Contd page 2

C. T. C
Ac. V. H. C. A. D. V.

Ann 5 (contd)

6
27

7. That on coming on transfer to Lucknow, I again put up the matter before the Central Command National MES Employees Union, Lucknow who forwarded my case to the Chief Engr Northern Commd, c/o 56 APO, and urged him to do the needful. A copy of C.C.N.MES Employees Union letter referred is attached with this application.

8. That the reply of this letter was communicated to me vide CNE 5241 No 1115/TT/120/EIP dated 26 Nov 88, a copy of which is attached for your kind perusal.

9. That a perusal of this letter will reveal that it gives the same reason, the version of which is slightly improved. It says that the said test was not approved by GE Udhampur, as the number of participants exceeded the limits. It further says that in subsequent tests, held on 23 to 28 Apr 87, seniority upto 31 Dec 82 was taken into consideration.

10. That as already explained, my prayer is only that my result of the Trade Test conducted on 4.3.87 be communicated and in case I have passed, it may be entered in my service book.

11. That I may respectfully submit that declaration of result has nothing to do with the number of vacancies as the successful candidates are promoted in future vacancies and therefore it is in the interest of justice that my result be communicated to me and my office without delay so that my officer may take necessary action.

PRAYER

I therefore most respectfully pray that :

Your Honour may be kind enough to call for a report of my case and set aside direct recruitments of Mate/MPA made in contravention of the guidelines issued by your HQ.

Your Honour may be further pleased to direct the concerned authorities to declare the result of Mate/MPA Trade Test and to enter the casualty in my service book and also promote me as soon as the vacancy arises.

I hope that as the Head of M.E.S, your Honour will be kind enough to see that poor persons like me are given just treatment and are not victimised.

Thanking you and waiting for favourable action

Yours Faithfully

Ramakant Choube^y
(Rama Kant Choube^y)

Lucknow
Dated : Jan 89

Copy to : The Chief Engr
Northern Commd
c/o 56 APO

C.T.C.

Central Govt

In the Hon. Central Adm. Tribunal, A.D.O at Lucknow
Ramakant Choubey Vs Union of India & ors

COPY OA _____ of 1985

(7)

Tele Mily 613

GARRISON ENGINEER(WEST)
11 SARDAR PATEL MARG
LUCKNOW Centt

(78)

1071/Ind/571/E1D

Ann 6

14 Mar 89

AGE B/R EKI

REDRESSAL OF GRIEVANCES
RESULT OF TRADE TEST

1. Reference this office letter No. 1071/Ind/552/E1D dated 18.2.89.
2. Contents of CE Northern Command C/o 56 APO letter No. 416/Ind/350/E1C(2) dated 20 Feb 89 received under CWE(P) Lucknow letter No. 12036/326/E1C(2) dated 10 Mar 89, are reproduced below for information of the individual:-
 - a) MS/506693 Shri Ramakant Choubey, Mazdoor did not fall in the Merit, as such the result was not declared by CWE.
 - b) The individual may be informed accordingly.

Sd/ x x x x x x x x
AEx/RK
(SS Shishodia)
AE B/R
for Gt(w) Lucknow

R.K. Choubey

C.T.C

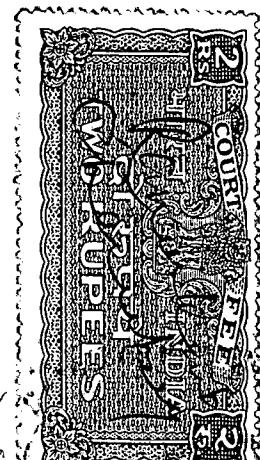
Lekhanganwadi
EDV

IN THE HON'BLE CENTRAL ADM. TRIBUNAL, ALLAHABAD

CIRCUIT BENCH, LUCKNOW

Affidavit in re : Case No : O.A. 90 of 89

(29)



1989
AFFIDAVIT
57 IM
DISTL COURT

Rama Kant Chaubey - - - - - Petitioner

Versus

Union of India & others - - - - - Respondents

A F F I D A V I T

I, Rama Kant Chaubey, aged about 30 years, s/o Sri Bharat Chaube, r/o c/o Dilip Cloth House, Bakhshi-Ka-Talab, Lucknow, do hereby solemnly affirm and declare on oath as under :

1. That the deponent is the petitioner in the instant case and is fully conservant with the facts of the case which are deposed hereinafter.

2. That the deponent who is an employee of M.E.S in the Ministry of Defence, as a labourer was posted at border area, in the office of G.E 6359 c/o 56 A.P.O till 8.4.88.

3. ⁶³⁵⁹ M That the G.E 6359 comes under the administrative command of O.P Nos 3 and 4.

4. That O.P no 4 conducted Trade Tests for various cadres and all eligible Mazdoors were allowed to appear.

5. That the above mentioned Trade Tests were conducted firstly of 4 Mar 87 and the petitioner appeared in this test. But his results were not declared.

R.K. Chaubey
Contd page 2

5. That in the second week of Apr 87, the deponent came to know that Trade Tests are again being conducted for those who could not appear in the test held on 4 Mar 87. (A)

6. That the deponent was advised by the GE 6359, 6359 c/o 56 APO to appear in that test too as in case he fails in test held on 4 Mar 87, he could have still have a chance of success.

7. That a list of eligible Mazdoors was again prepared and submitted to the O.P No 4 by the Officer Commanding of the deponent, namely GE, 6359, 6359 c/o 56 APO.

8. That the above list was sent to the C.W.E 6359, 5241, c/o 56 A.P.O vide vide the G.E 6359 letter no 1112/49/ EID dated 18 Apr 87.

9. That the deponent's name finds place at serial no 55 of the above list.

10. That as per the list, the deponent appeared on the test conducted on 25 Apr 87.

11. That the result of the petitioner was not declared, of any of the examination, nor was he informed about cancellation of any test.

12. That the deponent continued writing to the authorities about his results and all these letters were forwarded to the higher authorities.



(31)

13. That in the first reply received by the deponent vide 1112/113/EID dated 22 Feb 88, it was not said that the deponent did not appear in either of the tests, or that, any of the test was cancelled. This stand has been taken recently to cover up the malafide in the instant case. A copy of the above letter, giving reasons for non-declaration of result is Ann '1' to this affidavit.

Lucknow

Dated : 25 Oct 89

R K Chebey

Deponent

VERIFICATION

I, the deponent named above do hereby verify the contents of paras 1 to 13 of this affidavit as true to my own knowledge.

Nothing stated herein is false and that nothing is concealed. So help me God.

Lucknow

Dated : 25 Oct 89

R K Chebey

Deponent

I, identify the deponent who is known to me. He has signed in my presence.

(C. Sharma)
(R C Sharma)
Advocate

Solemnly affirmed before me on 25/10/89 at 2 pm by Sri Rama Kant Chaube, the deponent who is identified by Sri R C Sharma, Advocate, Allahabad High Court at Lucknow. I have satisfied myself by examining the deponent that he understands the contents of this affidavit which have been read over and explained to him by me.

25/10/89

IN THE HON'BLE CENTRAL ADM. TRIBUNAL, ALLAHABAD

CIRCUIT BENCH, LUCKNOW

In re : OA No 98 of 89

Ramajant Chaubey - - - - - Petitioner

Vs

Union of India & others - - - - 0.Ps

ANNEXURE I Ann 'I'

1112/113/EID

Garrison Engineer (Project)

6359

c/o 56 APO

22 Feb 88

MES 506693

Shri Rama Kant Chaubey, Mazdoor
(Through GE (E) 6356, C/O 56 APO

TRADE TEST : INDUSTRIAL PERSONNEL

1. Reference your application dated 08 Feb 88, addressed to HQ CE NC with copy to this office amongst others.
2. It has been intimated by CWE 5241 that result of your Trade Test held in Mar 87 has not been considered necessary due to less number of vacancies. Seniority for the Trade Test has been taken into consideration upto 31 Dec 1982.
3. This is for your information.

Sd/xxxxx
(RK Pattanaik)

Major
Garrison Engineer (P) 6359

NOO

HQ CWE 5241 - w.r.t their letter no 1115/11/123/EID
c/o 56 APO dated 12 Feb 88.



Ramajant Chaubey

(33)

In the Central Administrative Tribunal, at Allahabad
Circuit Bench, Lucknow.

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT

In :

Case No. O.A.90 of 1989

Rama Kant Chaube

... Petitioner

Versus

Union of India & Others.

.... Respondents.

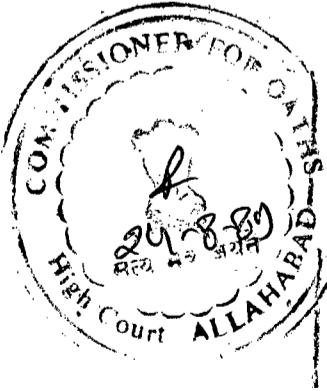
Lok I, V.K. Sidharthan, aged, about 53 years, son
of ~~Sh.~~ P.K. KRISHNAN Garrison Engineer, (West), 11,
Sardar Patel Marg, Lucknow do hereby solemnly affirm
and state as under.

1. That the deponent is Garrison Engineer (West) and has read the application filed by Shri Rama Kant Chaubey and understands the contents thereof.
2. That the deponent is fully conversant with the facts of the case deposed hereinafter.
3. That the deponent is competent to swear this affidavit on behalf of other respondents also.
4. That the contents of para 1 to 4 of the application are formal and need no comments.
5. That the contents of para 5 of the application are admitted.
6. That the contents of paras 6(i) to 6(iv) are admitted.

Cont.....2.

7. That in reply to the contents of para 6(v) and 6(vi) of the application, it is admitted that the applicant did appear in the trade test held on 4.3.87 and the proceedings of the trade test board were sent to the Chief Engineer, Udhampur zone under whose control the said test was held. The proceedings of the trade test board were not approved by the Chief Engineer and were returned vide his letter no. 13007/193/EIC(2) dt. 3.4.87 for rectification of the discrepancies in terms of the guideline spelled out therein. Photostat copy of the above communication is being filed as Annexure RI in which it is pointed out that the number of tradesmen tested should not exceed three times the number of vacancies available. It was ~~was~~ further pointed out that the trade test should be held in accordance with three grade structure and only feeding categories are to be allowed to appear in the trade test. Thus the Chief Engineer Udhampur further advised to conduct the test again keeping in view the guideline as envisaged in the above letter.

Consequently, the proceedings of the trades test held on 4.3.87 were cancelled and another trade test ~~indis~~ on the line indicated in the above letter of the Chief Engineer was conducted from 23rd April to 28th April 87. ~~and subsequent dates~~. The applicant was not eligible to appear in the said test as according to the above instructions. The number of candidates eligible for appearing in the test for the trades were restricted to three times the number of vacancies available in each of the trades. In the instant case for preparing



3.

the list of eligible candidates for promotion to Mate/ MPA, Mate/OED, Mate R/Fitter, Mate Lineman, Mate/Wireman etc., the Mazdoors with seniority upto 31st Dec., 1982 were considered. The seniority of the applicant is 13th April, 1983 and as such he was not considered for appearing in the trade test for the post of Mate/ MPA. The position was explained to the applicant by Garrison Engineer (P) 6359 C/o 56 APO vide his letter No. 1112/118/EID dt. 22.2.88 and also to the Central Command National MES, Employees Union, Lucknow with reference to their letter No. Ref/CCNV/TT/88 dt. Nov 4, 1988 (Copy filed with the application as Annexure 3) The said letter of the Garrison Engineer was based on the information furnished by the HQ, Commander Works Engineer 5241 C/o 56 APO letter No. 1115/TT/128/EIP GE (P) 6359 dt. 12.2.88 a copy of which is being filed as Annexure R2.

8. That in reply to the contents of para 6 (vii) of the application it is admitted that the applicant was transferred from GE(E)6356 to GE (West), Lucknow. All the representations received from him on the subject matter of this application were duly replied.

9. That in reply to the contents of para 6 (viii) and 6(ix) it is admitted that Shri Kulbhushan, Mazdoor had appeared in the trade test for the post of Valveman for which sufficient number of vacancies were available and the eligible panel was large enough to include his name based on the principle of three persons to be considered for every one vacancy. In the case of the applicant who was to appear for the post of Mate/MPA



far less number of vacancies were available and consequently a smaller penal had to be drawn for which Mazdoors with seniority upto 31st Dec.1982 could be considered. Thus the applicant with 13th April, 1983 seniority was not eligible for consideration, for the post of Mate/Mpa.

10. That in reply to paras 6(x) to 6(xii) it is stated that the criteria for determining the eligibility for appearing in the trade test was not changed. The eligibility was determined on the basis of guideline received from the Chief Engineer, Udhampur (Ann.R-I). In the letter referred to by the applicant in Ann.6 of the application the word 'merit' was actually meant to convey merit/seniority for eligibility for appearing in the trade test. When the test in which the applicant had appeared on 4.3.87 was cancelled on account of certain discrepancies, the question of declaring its result did not arise. The applicant was informed accordingly (Ann.R-3).

11. That in reply to para 6(xiii) it is stated that the result of other candidates had been declared while the applicant was not allowed to appear in the tests held on 23.4.87 as he was not eligible to appear in the said subsequent tests.

12. That in reply to para 6(xiv) to 6(xvi) it is stated that subsequent trade tests were conducted strictly in accordance with the guidelines received from the Chief Engineer, Udhampur zone, a copy of which is annexed as Annexure R-I.

13. That the contents of paras 7 & 8 are formal and need no reply.

14. That in reply to para 9 of the application it is submitted/ prayed that the applicant is not entitled to any relief as claimed in view of the facts mentioned in above paragraphs.

15. That the paras 10 to 13 of the application are formal and need no comments.



16. That from the foregoing it is clear that the application filed by the petitioner lack merit and is liable to be dismissed with cost.

Lucknow, dated,

24 July, 1989
R. S. Agarwal

DEPONENT

VERIFICATION

I, the abovenamed deponent do hereby verify that the contents of paras 1 to 4 are true from personal knowledge and paras from 5 to 15 from records and paras 16 from on legal advise. Nothing is false and no material has been concealed. So help me God.

Signed and verified

at

Lucknow.

Lucknow, dated,

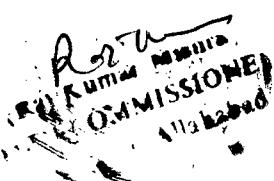
24 July, 1989.
R. S. Agarwal

DEPONENT

I identify the deponent who has signed before me and is personally known to me.

D. (S. Agarwal)
Advocate.

Solemnly affirmed before me on 24-8-89 at 10-15 am/pm by the deponent V. R. R. S. Agarwal who has been identified by D. (S. Agarwal) Advocate, High Court, Lucknow Bench, Lucknow. I have satisfied by examining the deponent that he understands the contents of this affidavit which has been read over and explained to him.



27/7/89
24-8-89

Chief Engineer ✓
Udhampur Zone
Udhampur-182121

(S)

13007/193/EIC (2)

02 Apr 87

CWE 5238

C.E 5239

CWE 5241

HQ 135 Wks Engrs

HQ 138 Wks Engrs

For personnel attention
of CWE

TRADE TEST OF INDUSTRIAL PERSONNEL

1. Reference this HQ part I Order No 93, dated 18 Dec 86.
2. From the draft trade test board proceedings submitted by the presiding officer following discrepancies have been observed :-

(a) As per CE NC letter No 41617/IND/545/EIC (2) dated 18.12.85, No of trade men to be tested should be limited to three times the No. of available vacancies. This has not been followed as it is seen that the No. of tradesmen tested exceed this limit in many cases.

(b) As per above cited letter a particular trade will not be taken up for testing in case there is no vacancy. It is seen that this has been ignored in many cases.

(c) As per revised three grade structure there are certain categories of old trades which are not included in the revised one. As such these were not be included for trade testing. It is seen that these have also been included by a few CWE e.g. Refg Mech, Engine Ftr, Instrument Repairer. Trades which can be included, for trade test have been circulated vide C-in-C's Br letter No 90270/89/EIC dated 20 Dec 83 and further by C-in-C letter No 41657/P/Corres/Ind/50/EIC-III dt 16 Jan 84 and C-in-C's Br letter No 90270/89/EIC dt 30 Oct 85 and further circulated by CINC letter No 41617/Ind/523/ 1C (2) dated 21 Nov 85.

(d) List of the trades which could have been included for testing is attached as per App. 'A'. It is seen that CS.E (Particularly HQ 135 WE, HQ 132 WE, C.E 5238 and C.E 5239) have restricted trade test to a very few categories even categories like mate have been omitted by two CWE (CWE 5238 and CWE 5239). As obvious, this is not logical, keeping in view available strength of labours with each of the CS.E, it cannot be presumed that there is not no body eligible or aptee to appear for trade test for category of mate.

(e) It is seen that in some cases absentees were almost 25%. This would lead to complications because of obvious conclusion that advance information will publicity by HQ/CE/IC had not been done.

(39)

2. Some very valid observations raised by one of the presiding officer are at Appx 'B' attached. This should be followed by all CsWE/GEs.

3. It will be seen that draft board proceedings referred to in Para 1 above cannot be approved in their present shape. You are therefore, required to rectify the discrepancies in the following manner :-

(a) Against the trades being included for trade testing Area/Division/Station, No. of vacancies may please be listed.

(b) Wide circulation for holding of the trade testing Board to complete Industrial staff in your area may please be ensured and names of eligible tradesmen may please be collected.

(c) Separate nominal rolls based on area seniority may please be drawn indicating division/sub division for each category.

(d) Tradesmen who were absent during the previous trade testing board may please be given another chance. Presiding Officer should visit their respective areas of responsibility again if so required should test the left over/additional tradesmen.

(e) Trade test which are not listed in letter quoted in para 2 (c) above will not be included for trade testing.

(f) Tradesmen tested wrongly are in excess to laid down limit i.e. three time of the vacancies may please be informed by each CsWE/GEs, with reasons for cancellation of board in their respect and their omission from the trade test.

4. CsWE are required for resort to a crash programme, prepare rectified nominal rolls and hand over to presiding officer with a copy to this HQ latest by 14 Apr 87 in triplicate. Presiding Officer may conduct the trade test for ~~xx~~ the left over/additional tradesmen during 20 Apr 87 ~~xx~~ onwards and submit the board proceedings to this office latest by within a week of trade test.

Sd/x x x x
(JC ANAND)

Col
Addl Chief Engineer

Copy to :-

All GEs

Presiding Officer -
and Members.

Draft Board proceedings submitted by you are returned herewith for rectification and re-submission by 18 Apr 87 as indicated in para 4 above. You are also requested to prepare a summary as per proforma attached. It has also been observed that IAFD 931 may also be completed duly signed by the Presiding Officer & Members.



UO

Ser No	Category	Feeding category
<u>UN-SKILLED (196-210)</u>		
1.	Mazdoor	
2.	Charpoy Stringer	
<u>SEMI-SKILLED (210-290)</u>		
1.	Mate (A-1 attd)	Naz/Chow/Safaiwala
2.	V/Man	-do-
3.	Hamerman	
4.	F/Man (Other than fire services)	
5.	Caneweaver	
<u>SKILLED (Rs 260-400)</u>		
1.	A/Winder	
2.	B'Smith	H/Man, Mate
3.	C' Mater	
4.	Carpenter	Mate Carp (SS)
5.	MPA	Mate
6.	Elect.	
7.	OED	Mate
8.	Vh Mech	
9.	Fitter/Engine Fitter	
10.	I/Repairer	
11.	P/Fitter	Mate Plumber, Mate F/Ftr (SS) and V/Man.
12.	Plumber	-do-
13.	Refg Mech	
14.	Linamen	Mate.
15.	Mason	Mate Mason (SS)
16.	M/Reader	Mate
17.	Moulder	Mate Moulder (SS)
18.	Painter	Mate Painter
19.	Sign Writer	-do-
20.	Sawyar	Mate Carpenter
21.	SBA	Mate
22.	Turner	
23.	Upholster	Mate upholster
24.	Welder	
25.	W/Man	Mate W/Man
26 and 27.	Blank.	



(u)

Ser No	Category	Feeding category
28.	RR Dvr	Mate
29.	MT Dvr	Mate

Note :- Ser Nos 1, 3, 6, 8, 9, 10, 13, 22, 24 amendment for trade test ruling has not been received from Govt so far.

The ~~xx~~ case of the following categories for HS-II and HS-I has been taken up with E-in-C's Branch vide CENC letter No 41617/IND/677/EIC (2) dated 14 Apr 86 :-

- (a) MPA
- (b) OED
- (c) ME Dvr
- (d) Upholster
- (e) I Repairer
- (f) Sawyar/B/Attd
- (g) Armature winder
- (h) Cable jointer - for HS- Gde-I

- HS Gde-II & HS Gde-I

 The case of SBA and Wireman for next higher promotion to Electrician still pending with E-in-C's Branch as per CENC letter No 41622/P/32/EIC (2) dated 22 Apr 86.

Ser No	Category	Feeding category
28. RR Dvr		Mate
29. MT Dvr		Mate

Note :- Ser Nos 1, 3, 6, 89, 10, 13, 22, 24 amendment for trade test ruling has not been received from Govt so far.

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(a)	MPA	
(b)	OED	
(c)	ME Dvr	
(d)	Upholster	- HS Gde-II & HS Gde-I
(e)	I Repairer	
(f)	Sawyar/B/Attd	
(g)	Armature winder	
(h)	Cable jointer	- for HS- Gde-I

The case of SBA and Wireman for next higher promotion to Electrician still pending with E-in-C's Branch as per CENC letter No 41622/P/32/EIC (2) dated 22 Apr 86.



- 3 -

DEFINITION OF CATEGORY OF RATE

1. Rate Carpenter
2. Rate M.P.A.
3. Rate O.I.D
4. Rate F/Gamber
5. Rate P/Fitter
6. Rate L/Man
7. Rate Mason
8. Rate Bouldar
9. Rate Painter
10. Rate Upholster
11. Rate S. Smith
12. Rate S.M.
13. Rate V/Man
14. Rate R.R. Driver



(b)

Appendix 'B'

Appendix 'B' to CE UDHAMPUR
ZONE letter No 13007/193/EIC(2)
dt 03 Apr 87.

1. The nominal rolls sent by GEs/CsWE are arranged trade wise i.e. the trade for which the test is to be conducted.
2. The list be also arranged seniority wise as per the years of enrolment. The seniority wise listing will help the convening authority as well as the board to restrict the numbers of candidates appearing to 3 per post defficient in the organisation. Otherwise numbers become uncontrollable and in the restricted time of conduct the quality of test is affected.
3. Lists should also be arranged GE/Indep AGE wise so that the board is saved the problem of segregating e.g. two or more persons of same name etc, and to prevent unnecessary handling of results of already conducted tests in front of others.
4. The mode of conducting the test is written, oral and practical. However, all these modes are not applicable to all trades. Still the nominal rolls must have these columns to enable the board to fill up the marks directly. It was done in some cases but not in all.
5. The board is invariably required to check the identity cards of individuals appearing for tests in order to authenticate the candidature. We found that nearly 50% of the candidates did not posses their I/Cards. Not even an Identity slip by their officers saying that the I/Cards were withdrawn for renewal or not yet issued. It made us wonder about the level of security of installations etc, were these individuals are employed in def loc.
6. Inspite of advance intimation as to the arrival date/time of board and arrangements to be made for conduct of tests. The board had to waste much time and effort to organise the tests. In one place the unit did not even know of boards date of arrival.



Headquarters
Commander Works Engineers
5241
C/O 56 APO

1115/TT/128/EIP

12 Feb 88

GE (P) 6359

REQUEST FOR DISCRIMINATION OF TRADE TEST
HELD ON 04 Mar 87

1. Please refer an application dated 08 Feb 88 from Sh R K Choubey, Maz addsd to CE North Comd with copy to CE Udhampur Zone and this HQ.
2. Post of the individuals mentioned a-s per Appx 'A' of his application is shown against each :-

<u>Ser</u>	<u>MES No, Name & Desig</u>	<u>Seniority in their present trade</u>
(a)	MES-503280 Sh Partap Chand, Mate	01.9.84
(b)	MES-506668 Sh Gurprakash, Maz	08.2.83
(c)	MES-506680 Sh Jagdish Singh, Maz	24.2.83
(d)	MES-506678 Sh Pritam Chand, Maz	24.2.83
(e)	MES-506688 Sh Balwant Singh, Maz	19.2.83
(f)	MES-506689 Sh Som Raj, Maz	24.3.83
(g)	MES-506693 Sh Rama Kant Choubey, Maz	13.4.83
(h)	MES-506542 Sh Puran Chand, Maz	18.5.83
(i)	MES-506752 Sh Labh Singh, Maz	21.5.83
(j)	MES-370529 Sh Tilak Raj, Maz	01.5.82
(k)	MES-370528 Sh Onkar Raj, Maz	01.5.82
(l)	MES-503487 Sh Karam Chand, Maz	07.06.79
(m)	MES-504117 Sh Darshan Kumar, Maz	04.04.80

© Considered for trade test taking into their seniority upto 31.12.82.

3. It has already intimated to your office including all GEs that seniority for trade test to Mate from Maz has been considered based on the number of vacancies of Mate held in our area upto 31.12.82. As such individuals falling upto the serial (k) to (n) above are appearing for trade test during held on 23.2.88.

4. It is pointed out that W/Man is not feeding category for I/Repairer as per CE Udhampur Zone letter No 13007/193/EIC (2) dt 03 Apr 87. Hence MES-358995 Sh Ram Dayal, W/Man can not be considered for trade test of I/Repairer.

5. As regards the result of their trade test held during Mar 87 was not considered due less number of vacancies. Seniority for this trade test was taken into consideration upto 31.12.82.

6. The individuals may please be advised accordingly.

Sd/x x x x x
(Malook Chand)
Adm Offr
for Commander

Copy to :-

Chief Engineer
NORTHERN COMMAND
CE Udhampur Zone

} - For info w/1 abvul

Annexure R-3

Headquarters
Commander Works Engineers
5241
C/O 56 APO

1115/TT/120/EIP

25 Nov 88

Chief Engineer
Northern Command
C/O 56 APO

TRADE TEST OF INDUSTRIAL PERSONNEL

1. Refer to Central Command National MES Employees Union, Lucknow letter No Ref/CCNU/TT/88 dated 04 Nov 88.

2. It is intimated that draft board proceedings of trade test held on 04 Mar 87, submitted by the presiding officer were not approved by CE Udhampur Zone following certain observations raised vide their letter No 13007/193/EIC (2) dated 03 Apr 87. The observations interalia pointed out that number of tradesmen tested, exceeded the limit of candidates which should be limited only to 3 times the number of vacancies available. It was also pointed out that trade test should held in accordance with three grade structure and only feeding categories are to be allowed to appear in the trade test. CE Udhampur Zone further advised to conduct trade test again keeping in view the points as envisaged in their above quoted letter.

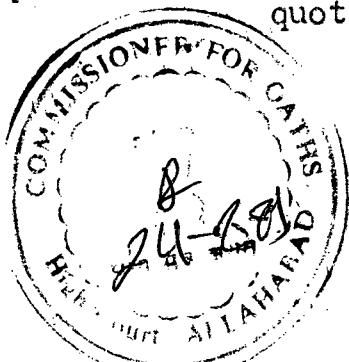
3. Consequently trade tests were again conducted on 23 to 28 Apr 87 and on subsequent dates. The candidature was restricted to the ratio of 1 : 3 ie three candidates were trade tested against one vacancy.

4. Keeping in view of above critaria, seniority of Mazdoors for trade test for promotion to Mate/MPA, Mate/OED, Mate/P' Ftr, Mate/Linamen, Mate/Wireman etc were considered for seniority upto 31 Dec 1982. The seniority of MES-506693 Sh Rama Kant Choubey as Mazdoor is 13 Apr 1983 and as such he was not considered for selection of trade test to Mate/IA.

Sd/x x x x x
(Gurdial Singh)
Adm Officer
for Commander

Copy to :-

CE Udhampur Zone - Together with a copy of union letter quoted above.



IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

44

ub

REJOINDER AFFIDAVIT IN Re :

Case No : O.A. 98 of 89

FF- 5/3/90

~~CM 130/90 t/s~~

Ramakant Chaubey - - - - - Petitioner

Versus

Union of India & others - - - - - Respondents

A F F I D A V I T

I, Rama Kant Chaubey, aged about 30 years, s/o Sri Bharat Chaubey, r/o c/o Dilip Cloth House, Bakhshi-ka-Talab, Lucknow do hereby solemnly affirm and state on oath as under :

1. That the deponent is the petitioner in the instant case and is fully conservant with the facts of the case. He has read over the counter filed by the respondents and in reply deposes as under.
2. That the contents of paras 1 to 6 of the counter affidavit do not need any reply as either they are formal or admit the contents of referred paras of petition.
3. That the contents of para 7 of the counter are incorrect and denied. It is stated that the test conducted on 4.3.87, in which the petitioner had appeared, was not cancelled as is evident from the Ann R-1 filed by the respondents. The presiding officer was directed to resubmit the Board Proceedings after rectification of the defects pointed out. Nowhere does the letter mentions about cancellation of the test. The staff officer of O.P No 4, in order to favour so persons manipulated the test to be conducted

again on 23rd to 28th Apr 87 and the petitioner appeared again in test conducted on 25.4.87. The respondents contention that in the test conducted on 25.4.87, the vacancies in the cadre MPA were limited and the petitioner was not allowed to appear is incorrect as from the records it will be evident that only two persons have been shown to have appeared and even for one vacancy, as per their own admissions, three persons ought to have appeared. The fact is that the petitioner has appeared but his name has been omitted because of the malafide action of the staff of OP no 4. Srl no 55 of ~~OPXXXXXX~~ letter no 1112049/EID dated 18.4.87 sent by GS 6359 c/o 56 APO to OP no 4 mentions the name of the petitioner sent for examination.

4. That in reply to the contents of paras 8 to 10, it is stated that the contents are false and misleading. There were vacancies in MPA cadre as well and seniority restriction was not put for eligibility criteria, otherwise Kulbhushan's name could not have come in the result. It is further stated that as per guideline mentioned in the letter referred, there was no reason to withhold the result of the petitioner in both the tests. The petitioner was eligible, had appeared and result ought to have been declared alongwith others.

5. That in reply to the contents of paras 11 and 12 of the counter, it is stated that the contents are false and the petitioner had appeared in both the tests.

6. That in reply to the contents of paras 13 to 16, it is stated that from the records of the examination it will be clear that in place of three persons appeared in trade test of MPA, respondents have shown two, which is incorrect as per their own case, where even if only one vacancy existed, three persons ought to have been allowed to appear, and therefore the averment of the respondents is false.

R K Dikshay
Deponent

VERIFICATION

I, the deponent named above do hereby verify that the contents of paras 1 to 6 of this affidavit are true to my own knowledge. Nothing is concealed and that nothing is false. So help me God.

Lucknow

Dated : 17 Dec 89

R K Chhabey
Deponent

I identify the deponent who has signed in my presence.

R C Sharma

(R C Sharma)
Advocate

7794
S. L. O. 45 AM - 8. Ramakant Chhabey
R. C. Sharma
I declare affidaved myself by affixing the
affidavit that he understands the contents
of the affidavit which has been signed and
sworn to me, true & correct on 17.12.89.

Seal
17.12.89

5.

17.12.89

5.

5.

5.

(49)

Central Administrative Tribunal,
Circuit Bench, Lucknow.

O.A. No. 98/89(L)

Rama Kant Chaubey. Applicant.
Versus.

Union of India & Ors. Respondents.

Date : 25.10.91. Hon. Mr. K. Kumar, V.C.
Hon. Mr. S.N. Prasad, J.M.



Mr. R.C. Sharma Counsel for the applicant.

Mr. D. Chandra- Counsel for the Respondents.

A prayer has been made in the M.P. that since the respondents have failed to file counter reply, the matter may be listed for hearing Last opportunity is given reply within four weeks, rejoinder is any within two weeks. If the respondents do not file the reply within four weeks, the right to file reply would stand forfeited.

May be listed for direction on 9.1.92. A copy of the order may be given dasti to the learned counsel for the respondents.

SD/-

J.M.

SD/-

V.C.

// True copy //

AKS
13/11/91

(50)

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Misc. Appln No. 519 91 (4)

In re : O.A. No 98 of 89

Ramakant Chaubey - - - - - Petitioner

Versus

Union of India & others - - - - - Respondents

APPLICATION TO EXPEDITE HEARING

That the humble petitioner most respectfully begs to submit as under :

1. That this Hon'ble Tribunal vide its order dated 13.11.90 was pleased to direct the respondents to file a supplimentary counter affidavit, specifically directing them to produce records of examination conducted on 4th Mar 87, no of vacancies of MPA and also the seniority list of the candidates eligible for the test.
2. That since then, the case has been listed 6 times before the Registrar, but the O.Ps have failed to file the counter affidavit as per directions of the Tribunal, indicating that they have no intention to file the same.

*Filed Today
Shw
4/9/91*

It is therefore respectfully prayed that this Hon. Tribunal may kindly order the case to be listed before it for final hearing at an early date.

R.C.Sharma

(R.C.Sharma)
Advocate
Counsel for the Petitioner/Claimant

4/9/91