

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE O.A-98 OF 89

NAME OF THE PARTIES R.K. Choudhary Applicant

Versus

U.O.I. 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 29/6/11 File B/C destroyed dt 09-5-12

Counter Signed.....

Signature of the  
Dealing Assistant

Section Officer/In charge

Check by  
06-1-12

# CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

C.B. Lko

Registration No.

98

of 1989 (2).

Exam & Promoti

APPLICANT (s)

(s)

Rama Kant Chauray

RESPONDENT(s)

(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 case 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. 3.5.89  
(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 Chauhey

VERSUS

DEFENDANT  
RESPONDENT

Union of India & ors.

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
(1) 9/5/89	<p>Hon' Mr. G.S. Shama, J.M. <u>Hon' Mr. K.J. Raman, A.M.</u></p> <p>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></p> <p><i>[Signature]</i> A.M.</p> <p><i>[Signature]</i> J.M.</p> <p>(sns)</p>	<p>No extra to be served the ops have filed. Submitted for admission</p>
(2) 4-7-89	<p>Hon' Mr. Justice K. Nath, V.C. <u>Hon' Mr. K.J. Raman, A.M.</u></p> <p>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.</p> <p><i>[Signature]</i> A.M.</p> <p><i>[Signature]</i> V.C.</p> <p>(sns) No sitting Adj to 25.00.</p> <p>25/7</p>	<p>No reply filed by the as direct Court's submit</p>

(5)

98/89(4)

(8)

2.5.90

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 <sup>true</sup> copies, and only two documents dated 16-5-89 and 9-9-89 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.

Jm.

Am.

(9)

2.7.90

No sitting adjourn to 10.9.90

Jc

OR  
S.F.H  
L  
B/9

(10)

10.9.90

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

Put up ~~at~~ 12-9-90

M.M. L.  
A.M.

V.C

5-5-92 Hon. Mr. Justice U.C. Srivastava - v.c.

For Dinesh Chandra Counsel for the  
respondents. It was ordered that the  
respondent should file Counter <sup>affidavit</sup> but  
it has not been done. Counsel for the  
respondents files that the service of  
the notice <sup>was not placed before</sup> proper Authority ~~has not~~  
~~been made~~ <sup>by the office that is why</sup> so he could not file  
the reply. ~~Fresh notices be issued.~~  
C.A be filed within 4 weeks and  
Rejoinder may be filed within two  
weeks thereafter. List this case  
on 16.7.92 for admission may  
(DPS) hearing. on that date the case ~~shall~~  
be disposed of finally.

16.7.92

V.C.

Hon. Mr. Justice U.C. Srivastava, v.c.  
Hon. Mr. K. obayya. 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 separately.

Am.

(13)

(14)

3.4.91

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

(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 28/8/91. R

16.7.92

Hon. Mr. Justice Srinivasa, re  
Hon. Mr. K. Chayya, Am.

The applicant is present in person.  
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 to  
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  
disposed of finally.

Judgment deliverable separately

✓

Am.

V.T.

8

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH.

...

Registration O.A. No. 98 of 1989

Ramakant Chaubey ... 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 <sup>was</sup> advised to conduct the test again keeping in view the guideline as <sup>was</sup> 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 1987 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 appears not to be the case. As according to the plea which has been taken in the counter affidavit, it appears that three persons were prepared 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 <sup>Can be given</sup> ~~may 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 <sup>in</sup> ~~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 - - - - - of 1989

Central Administrative Tribunal  
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

Ramakant Chaubey - - - - - Petitioner

Versus

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

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For use in  
Tribunal Office

Signature of the Applicant

Date of filing

or

Date of receipt by post

Registration no

5/5/89

Filed today  
note for 9/5/89  
C. Chaubey  
5/5/89

(13)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
CIRCUIT BENCH, LUCKNOW

Registration O.A. no - 98 - - - of 1989 (14)

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

(i) Particulars of Applicant

- (i) Name of the Applicant : Ramakant Chaube
- (ii) Name of Father : Sri Bharat Chaube
- (iii) Designation and office : Mazdoor, AGE, Bakshi  
in which employed : Ka-Talab, Lucknow
- (iv) Office address : AGE, Bakshi-ka-Talab  
Lucknow

Contd page 2

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- (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 ~~Ex-Pm~~ AGE Bakshi-ka-Talab under the control of OP no 5.

(ii) ~~120~~ 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 the petitioner, on 25.4.87. *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'

*Q. K. Chaudhary*

the present place of posting, viz, AGE, 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 ~~xxx~~ 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/E1D dated 14 Mar 89 which is also impugned in this petition and which is Annexed as Ann '6' to this petition.

(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 contestant, 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 he had made representation against the non action of OP no 4, to superior authorities, Ann '5' which was rejected vide Ann 6.

*RK Chabey*

(8) Matter not pending with any other Court : The petitioner further declares 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 Luvnont
3. Date of issue of postal order : DD 841701 dt 3/5/89  
4
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

R K Chakraborty


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 (E) 6356, c/o 56 APO
3. Copy of CME 5241 letter 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 AGE'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.

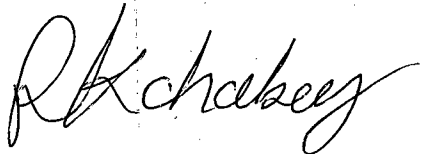
Lucknow

Dated: 05 May 89

  
( Ramakant Chaube )  
Signature of the applicant

To

The Registrar  
Central Administrative Tribunal  
Circuit Bench Lucknow



Before the Hon Central Adm. Tribunal All India  
at Lucknow

ब अदालत श्रीमान्

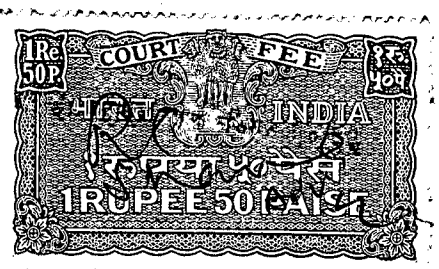
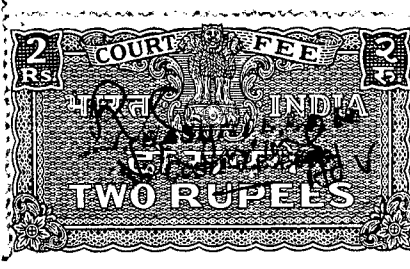
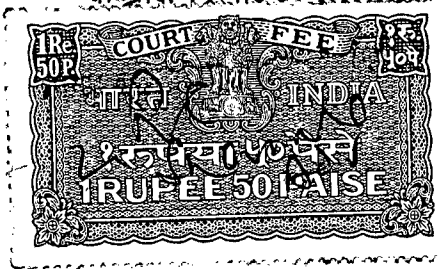
[ वादी ] बपीलान्ट

प्रतिवादी [ रेषाडेन्ट ]

Ramakant Chaudhary

महोदय

वकालतनामा



Ramakant Chaudhary vs Union of India & Others  
बनाम प्रतिवादी (रेखाडेन्ट)

नं० मुकद्दमा

सन्

पेशी की ता०

१६ ई०

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

24 Patel Nagar Lucknow-5

वकील  
महोदय  
एडवोकेट

नाम अदालत  
मुकद्दमा नं०  
नाम फरीकन

को अपना वकील नियुक्त करके प्रतिज्ञा ( इकरार ) करता हूं और लिखे देता हूं इस मुकद्दमा 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 रुपया वसूल करें या मुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया 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 होगा मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा 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) 5/5/55

हस्ताक्षर

R. K. Chaudhary

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १६

ई०

स्वीकृत

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

CIRCUIT BENCH, LUCKNOW

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

Ramakant Chaubey - - - - - Petitioner

Versus

Union of India and others - - - - - Respondents

I N D E X

Srl No	Particulars of Documents	Page no
1.	letter showing qualification for MPX 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 Chaubey*

( Ramakant Chaube )  
Petitioner

Before the Cent. Adm. Tribunal, And at the  
 OA 1985  
 Ranakant Chaudhary Vs Union of India

Ann 1

AS/Police  
 Camp House  
 Operator  
 (If of No 35)

General Re BOD-15- Non-  
 Central 1010-E3- Selection  
 Services 20-1150 Post  
 Non-Gazetted  
 Industrial  
 Non-Industrial

25 years (Relaxable for Government servants upto 35 years in accordance with instructions/orders issued by the Central Government).  
 Note:- The crucial date for determining the age for Government servants from receipt of applications from 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.

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

General Re BOD-15- Non-  
 Central 1010-E3- Selection  
 Services 20-1150 Post  
 Non-Gazetted  
 Industrial  
 Non-Industrial

25 years (Relaxable for Government servants upto 35 years in accordance with instructions/orders issued by the Central Government).  
 Note:- The crucial date for determining the age for Government servants from receipt of applications from 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.

1. 2 years certificate from IIT/ICIT or equivalent in the trade of Electrician/No production period for promotion/transfer.

Ex-Servicemen with equivalent army qualification in the appropriate trade with 3 years service.

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

By promotion (ex-servicemen) falling in the trade of Electrician/No production period for promotion/transfer.

Transfer of persons holding similar or higher posts in Defence service in similar line, who possess the education qualification prescribed in column 8.

The Armed Forces Personnel including Constables from the Corps of Engineers are due to retire or whom are to be transferred to reserve with in 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.

By promotion (ex-servicemen) falling in the trade of Electrician/No production period for promotion/transfer.

Transfer of persons holding similar or higher posts in Defence service in similar line, who possess the education qualification prescribed in column 7.

For Ex-Servicemen (Combatants) transfer on deputation/re-employment upto extent of 10%.

The Armed Forces Personnel including combatants from the Corps of Engineers are due to retire or whom are to be transferred to reserve with in 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.

R K Chaudhary

GTC  
 (Signature)

Before the Cent. Adm. Tribunal, AID at New  
Ranikent Chaudhary Vs Union of Ind. G

OA — 1989

Ann<sup>2</sup>

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2

CH (E) 6356 PART II ORDER NO 24 1989 IS DATED

PART IV (c) CONTD.

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

*Q. T. C.*

AE

for Garrison Engineer

Contd...P/10.

*R. K. Chaudhary*

*C. T. C.*

*Q. T. C.*  
*Adv.*

Before Be Hon' Cent. Adm. Tribunal Allahabad  
at Lucknow  
Renukant Chaubey vs Union of India  
OA \_\_\_\_\_ 1989

3

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COPY

Ann 3

COPY OF CME 5241 LETTER NO. 1115/TT/129/LIP DATED 25 NOV 88

SUBJECT :- 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 GE Udhampur Zone following certain observation raised vide their letter No 13007/193/LIC(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 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 Mandoor for trade test for promotion to Mate/MPA, Mate/P'Ftr, Mate/Lineman, Mate Wireman etc were considered for seniority upto 31 Dec 1982. The seniority of Mbs/506683 Shri Rana Kant Chaubey as Mandoor 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  
Sardar Singh  
Adm Officer  
for Commander

Copy to :-

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

RK Chaubey

C.T.C  
Renukant Chaubey  
Adv



Before Cent. Adm. Tribunal AID at Lko  
Renukant Chouhey vs Union of India

CA

1989

ANN 4

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CE 6356 PTO No 16 Dated 18 Apr 83, Sheet Number Three

PART IV (c) CONTD

APPOINTMENT (CONTD)

7. NYA Sh ONKAR SINGH Maz Ty 16-4-83 appointed and TOS as Maz Ty  
S/O NASIB SINGH FMN (FN) @ Rs. 196/- PM on regular est-

Home address :-

Village : Gandel Lari  
Po : Pathankot  
Distt : Gurdaspur (Pb)

(Arthy : CWE 5241 No 1109/apptt/227/  
EIP dt 16 Apr 83)

Head Master Govt High School

Sujanpur

8. NYA Sh KULBHUSHAN  
S/O ANANT RAM

Maz Ty 20-4-83  
FMN (FN)

appointed and TOS as Maz Ty  
@ Rs. 196/- PM on regular est-

7. NYA Sh ONKAR SINGH  
S/O NASIB SINGH

Maz Ty 16-4-83  
FMN (FN)

establishment on probation of  
2 years in the scale of Rs 196-  
3-220-3-232. He has been

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Distt : Gurdaspur (Pb)

(Arthy : CWE 5241 No 1109/apptt/227/  
EIP dt 16 Apr 83)

Head Master Govt High School

Sujanpur

Home Address :-

Village & PO : JANDWALA  
Teh : Pathankot  
Distt : GURDASPUR (PB)

7. NYA Sh ONKAR SINGH Maz Ty 16-4-83 appointed and TOS as Maz Ty  
S/O NASIB SINGH FMN (FN) @ Rs. 196/- PM on regular est-

FOR GARRISON ENGINEER  
Contract : P/4

Chauhan

C.T.C

R.K. Chouhey

C.M.

Before the Hon Central Arm Tribunal, AID at KEO  
Rama Kant Choubey V. Union of India & others

OA No \_\_\_\_\_ 1985

Office Copy (5)

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

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 112/118/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 result could have been declared and the casuality 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.

Contd page 2

Recd-finkfor  
penalty less.  
3/9/89

C.T.C  
Adv

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 Commnd, c/o 56 APO, and urge-d 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 CWE 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 controvention 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

*Rama Kant Choubey*  
( Rama Kant Choubey )

Lucknow

Dated : Jan 89

Copy to :

The Chief Engr  
Northern Commnd  
c/o 56 APO

*RK Choubey*

*C.T.C.*

*CC/Harman*  
*Adv*

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

COPY OA \_\_\_\_\_ of 1989

7

Tele Mily 613

GARRISON ENGINEER(WEST)  
11 SARDAR PATEL MARG  
LUCKNOW Centt

28

1071/Ind/571/E1D

Ann 6

14 Mar 89

AGE B/R LKT

ADDRESSAL 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 CME(P) Lucknow letter No. 12036/326/E1C(2) dated 10 Mar 89, are reproduced below for information of the individual:-

a) M&S/506693 Shri Ramakant Choubey, Mazdoor did not fall in the Merit, as such the result was not declared by CME.

b) The individual may be informed accordingly.

Sd/ x x x x x x x x x

AE B/R

( SS Shishedia )

AE B/R

for GE(W) Lucknow

R.K. Choubey

C.T.C

CCV/Armo  
adv.

IN THE HON'BLE CENTRAL ADM. TRIBUNAL, ALLAHABAD

CIRCUIT BENCH, LUCKNOW

Affidavit in re : Case No : O.A. 98 of 89

29

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 inst-  
ant 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 <sup>6359</sup> ~~6350~~ c/o 56 A.P.O till  
8.4.88.

3. That the G.E <sup>6359</sup> ~~6350~~ 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.

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. (9)

6. That the deponent was advised by the GE 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 c/o 56 APO.

8. That the above list was sent to the C.W.E 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.

(51)

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

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



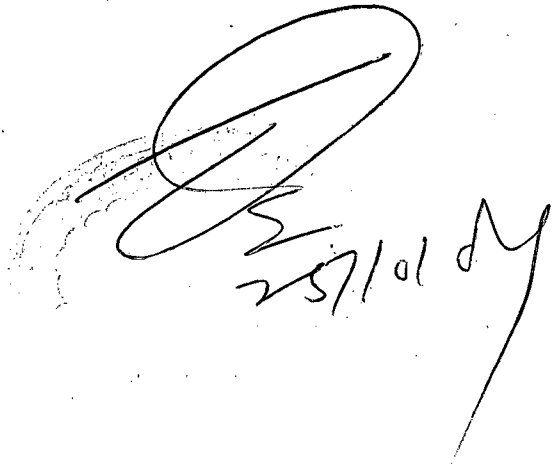
Dated : 25/10/89

Deponent

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

  
( R C Sharma )  
Advocate

Solemnly affirmed before me by on 25/10/89 at 2.00 am/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 HONBLE CENTRAL ADM. TRIBUNAL, ALLAHABAD

CIRCUIT BENCH, LUCKNOW

In re : OA No 98 of 89

Ram Kant Chaubey - - - - - Petitioner

Vs

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

ANNEXTURE ' I ' Ann 'I'

1112/113/EID

Garrison Engineer (Project)

6359

c/o 56 APO

22 Feb 88

MS 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.



RK 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.

*Ld* I, V.K. Sidharthan, aged, about 53 years, son  
of *Sr. 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 applicat-  
ion 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.

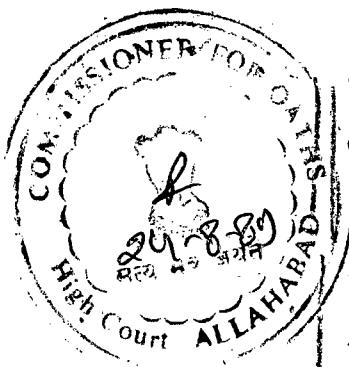
Cont.....2.



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 trades-~~men~~ 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 ~~india~~ 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

Cont.....3.



35

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 penal 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



Cont....4.

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, Udhampu (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 <sup>subsequent</sup> tests held on 23.4.87 <sup>to 29-4-87</sup> 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.



5.

(37)

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

Lucknow, dated,

24 July 1989  
Regent

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 advice. Nothing is false and no material has been concealed. So help me God.

Signed and verified at  
Lucknow.

Lucknow, dated,

24 July 1989.  
Regent

DEPONENT

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

D. (Deed)  
Advocate.

Solemnly affirmed before me on 24-8-89 at 10-15 am/pm by the deponent V. R. Kumar who has been identified by D. Enamur 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.



24/8/89  
COMMISSIONER  
Allahabad

24/8/89

24-8-89

Annexure R-1

Chief Engineer ✓  
Udhampur Zone  
Udhampur-182121

(38)

13007/193/EIC (2)

02 Apr 87

CWE 5238

CWE 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 CsWE e.g. Refg Mech, Engine Ftr, Instrument Repairer. Trades which can be included, for trade test have been circulated vide a-in-C's Br letter No 90270/89/EIC dated 20 Dec 83 and further by CMC letter No 41657/P/Corres/Ind/50/EIR-III dt 16 Jan 84 and a-in-C's Br letter No 90270/89/EIC dt 30 Oct 85 and further circulated by CMC letter No 41617/Ind/523/IC (2) dated 21 Nov 85.

(d) List of the trades which could have been included for testing is attached as per Appx 'A'. It is seen that CsWE (Particularly HQ 135 WE, HQ 138 WE, CWE 5238 and CWE 5239) have restricted trade test to a very few categories even categories like mate have been omitted by two CsWE (CWE 5238 and CWE 5239). As obvious, this is not logical, keeping in view available strength of labours with each of the CsWE, it cannot be presumed that there is not no body eligible or aptee to appear for trade test 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 with publicity by CsWE had not been done.

29

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 ~~the~~ the left over/additional tradesmen during 20 Apr 87 ~~on~~ 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 ~~pro~~ proforma attached. It has also been observed that IAFD 931 may also be completed duly signed by the Presiding Officer & Members.



(10)

Ser No	Category	Feeding category
<u>UN-SKILLED (196-21 0)</u>		
1.	Mazdoor	
2.	Charpoy Stringer	
<u>SEMI-SKILLED (210-290)</u>		
1.	Mate (A-1 attd)	Maz/Chow/Safaiwala
2.	V/Man	-do-
3.	Hammerman	
4.	F/Man (Other than fire services)	
5.	Caneweaver	
<u>SKILLED (Rs 260-400)</u>		
1.	A/Winder	
2.	B' Smith	
3.	C' Mater	H/Man, Mate
4.	Carpenter	
5.	MPA	Mate Carp(SS)
6.	Elect.	Mate
7.	OED	
8.	Vh Mech	Mate
9.	Fitter/Engine Fitter	
10.	I/Repairer.	
11.	P/Fitter	Mate Plumber, Mate F/Ftr (SS) and V/Man.
12.	Plumber	-do-
13.	Refr 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.	





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 ~~xxx~~ 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          | - HS Gde-II & HS Gde-I |
| (d) | Upholster       |                        |
| (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.

Ser No	Category	Feeding category
--------	----------	------------------

28. RR Dvr

Date

29. MT Dvr

Date

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.



DEFINITION OF CATEGORY OF MATE

1. Mate Carpenter
2. Mate MPA
3. Mate OIL
4. Mate Plumber
5. Mate F/Fitter
6. Mate L/Man
7. Mate Mason
8. Mate Moulder
9. Mate Painter
10. Mate Upholster
11. Mate Smith
12. Mate SW
13. Mate V/Man
14. Mate Rm Driver



(43)

Appendix 'B'

Appendix 'B' to CE UDHAMPUR  
ZONE letter No 13007/193/LIC(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 a-utk as well as the board to restrict the numbers of candidates appearing to 3 per post deficient 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 pers of same name etc, and to prevent unnecessary handling of results of already conducted tests in from 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 arraival.



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 :-

Ser	MES No.	Name & Desig	Seniority in their present trade
(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 Purn Chand, Maz	18.5.83
(j)	MES-506752	Sh Labh Singh, Maz	21.5.83
(k)	MES-370529	Sh Tilak Raj, Maz	01.5.82
(l)	MES-370528	Sh Onkar Raj, Maz	01.5.82
(m)	MES-503487	Sh Karam Chand, Maz	07.06.79
(n)	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.

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.

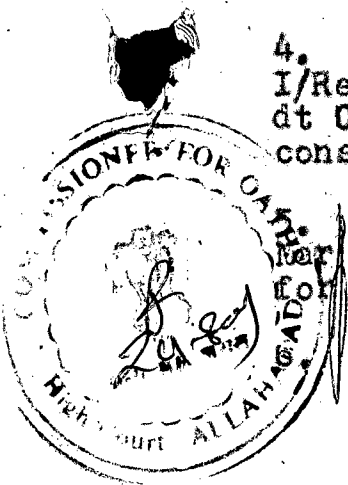
The individuals may please be advised accordingly.

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

Copy to :-

Chief Engineer  
NORTHERN COMMAND  
CE Udhampur Zone

- For info work about -



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 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. 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 i.e. three candidates were trade tested against one vacancy.

4. Keeping in view of above criteria, 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/MPA.

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  
wb

REJOINDER AFFIDAVIT IN Re :

Case No : O.A. 98 of 89

FF- 5/3/90

~~CM 130/90~~ LS

Ramakant Chaubey - - - - - Petitioner

Versus

Union of India & others - - - - - Respondents

A F F I D A V I T

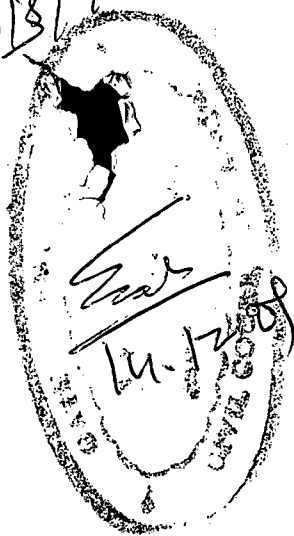
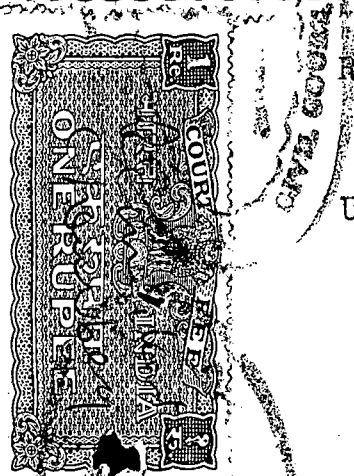
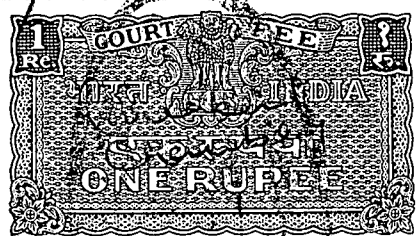
I, Rama Kant Chaubey, aged about 30 years, s/o  
Sri Bharat Chaubey, r/o c/o Dilip Cloth House, Bakhshi-ka-  
Talab, Lucknow do hereby solemnly affirm and state on oath  
as under :

1. That the deponent is the petitioner in the instant  
case and is fully conversant 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<sup>to 9</sup> 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 cancell-  
ation of the test. The staff officer of O.P No 4, in order  
to favour so persons manipulated the test to be conducted

Contd page 2



RK Chaubey

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 ~~OP no 4~~ letter no 1112049/EID dated 18.4.87 sent by GE 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 along with 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.

Deponent



VERIFICATION

(V)

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 : 14 Dec 89

*R K Choubey*  
Deponent

I identify the deponent who has signed in my presence.

*R C Sharma*  
( R C Sharma )  
Advocate

779M

*10.45 AM - S. Rama Kant Choubey*  
is identified by *R C Sharma*  
Advocate.  
I have verified myself by checking the  
deponent that he understands the contents  
of this affidavit which has been read out and  
explained by me. His Charge No. 17/11-89

*Sat*  
*14.12.89*

G.  
11.12.89  
11.12.89  
11.12.89  
11.12.89  
11.12.89

Central Administrative Tribunal,  
Circuit Bench, Lucknow.

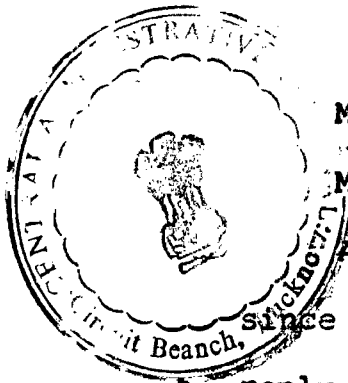
O.A. No. 98/89(L)

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 <sup>to the respondents to file</sup> reply within four weeks, rejoinder <sup>^</sup> if 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 //

*[Signature]*  
13/11/91

*CB*

(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

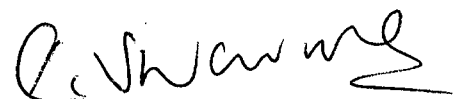
APPLICATION TO EXPEDITE HEARING

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 supplementary 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.

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 )  
Advocate

Counsel for the Petitioner/Claimant

4/9/91

*Filed today  
5/9/91*