

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH : BANGALORE

DATED THIS THE 12TH NOVEMBER, 1986

Present

The Hon'ble Shri Ch. Ramakrishna Rao : Member (JM)
The Hon'ble Shri L.H.A. Rego : Member (AM)

Application Nos. 593 & 594 of 1986 (F)

These applications have come up for hearing before this Tribunal on 22.9.1986, the Hon'ble Shri L.H.A. Rego, Member (AM), made the following:

ORDER

The two applicants in this case who are presently working as Turners in the Component Engineering Department in the 515 Army Base Workshop, Bangalore, pray for issue of a direction to the respondents to review/reconduct the Trade Test for Tool Makers held in September/November 1985, as it was not held in accordance with the prescribed rules and procedure and consequently has adversely affected their career.

2. The salient features of the cases are as follows.

Shri S. Sreedharan was appointed as Turner in the above Workshop with effect from 12.6.1975 while Shri P. Mahalingam was appointed as Mate in the same Workshop on 17.4.1967 and was later promoted as Turner

on 17.4.1970. They were directed to appear for the Trade Test for the post of Tool Makers along with others, according to the Recruitment Rules 1982. The Test in Theory was held in September 1975 and that in Practicals in November the same year. The results of this test were declared by the first respondent on 6.12.1985 when nine candidates were declared to have passed the test. The names of the two applicants did not appear in this list.

3. The Board of Officers was convened on 26.6.1985 to finalise procedural details in regard to the conduct of this test taking into account the relaxation permissible to the SC and ST candidates. The above list of nine successful candidates was declared, duly keeping in view this relaxation. The Unit Promotion Committee met on 12.3.1986 in accordance with the Recruitment Rules 1982 and finalised the list of successful candidates on the basis of the 40-point Roster. The candidates were assessed according to their performance in the trade test. The applicants appeared for this test but did not acquit themselves. The Tool Makers are selected from the feeder cadres on the basis of seniority and fitness according to departmental instructions.

4. The applicants contend that their seniority has been overlooked while declaring the results of the Trade Test; that since the post of Tool Maker is categorised as "non-selection", according to the Recruitment Rules, the posts of the Tool Makers are to be filled in strictly according to seniority and that the educational qualification of SSLC which was stipulated earlier for this post, has subsequently been waived by amendment to the recruitment rules with this object in view. The applicants submit that the list of successful candidates declared by the first respondent on 6.12.1985 is arbitrary and illegal, as the Trade Test was not conducted

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according to the prescribed rules and procedure and their seniority was not given due consideration, on account of which, their career prospects are jeopardised. The respondents refute the contention of the applicants in toto.

5. We have examined carefully the averment and pleadings of both sides as also the material/documents placed before us. The applicants were given due opportunity to appear for the Trade Test held in September/November 1985 to qualify themselves for promotion to the post of Tool Makers but they failed therein. Their plea that the test was not conducted according to the prescribed rules and procedure, that the practicals did not help assess individual merit; that some examinee was allowed to answer the examination in theory even in his mother tongue but not they; that relaxation was not allowed to the SC/ST candidates; that seniority alone should be taken into account (thereby implying that merit should be given a go-by), that the Trade Test, is only a qualifying and not a competitive one; not only does not accord with facts but seems clearly an afterthought and subterfuge, to vainly advance their claim for promotion as Tool Makers. In particular, their submission that seniority alone should be the criterion for promotion and not merit, is fatuous and falls to the ground, as in that case, there should be no need for any test whatever, for a post of promotion namely, that of a Tool Maker in this case. Such a situation would certainly not conduce to efficiency and may verily lead to one like the carpenter complaining about his tools to shield his shoddy work! At no time when the Trade Test was in progress, either in theory or in practicals, did the applicants promptly seek permission from the authorities

concerned, to answer the theory exam in the language of their choice (as permissible) or bring to their notice that the practical exam was not being properly conducted, which clearly leads to infer, that their grievance in this application is an afterthought. We are not persuaded by any of the contentions of the applicants that they have been discriminated against or injustice has been caused in regard to the manner of conduct of the Trade Test, for the post of Tool Makers. It is primarily their failure in this test, that has disqualified them and they can have no legitimate complaint on this score.

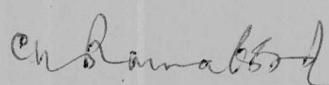
6. As regards their allegation, that the procedure regarding adherence to the 40-point roster has been violated by the respondents and that the prescribed percentage of reservation of posts for the SC and ST candidates has not been fulfilled, the applicants have not substantiated the same by facts and figures. The respondents have squarely rebutted this allegation.

7. Before concluding, we cannot help observing that the statutory appeal preferred by the applicant Shri S. Sreedharan to the second respondent on 20-12-1985, has remained undisposed of, for an inordinately long period nor have the DPC meetings been convened by the respondents regularly, which ill-reflects on the care and attention expected of them in regard to promptitude in finalising service matters. We would enjoin greater attention on the part of the respondents in this respect.

8. In the light of the foregoing, the application fails and we dismiss the same accordingly. No order as to costs.



(L.H.A. Rego)
Member (AM)
12.11.1986



(Ch. Ramakrishna Rao)
Member (JM)
12.11.1986