

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

J A I P U R .

O.A. No. 737/92

Date of decision: 22.4.94

GAURI SHANKAR

: Applicant.

VERSUS

UNION OF INDIA

: Respondents.

Mr. J.K. Kaushik

: Counsel for the applicant.

Mr. Manish Phandari

: Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice D.L. Mehta, Vice-Chairman

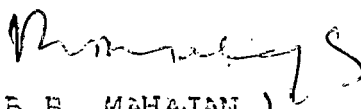
Hon'ble Mr. B.E. Mahajan, Administrative Member

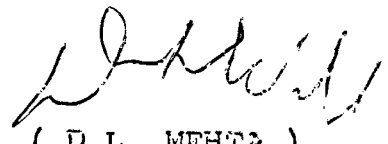
FOR HON'BLE MR. B.E. MAHAJAN, ADMINISTRATIVE MEMBER:

Gauri Shankar has filed this application U/S 19 of the A.T. Act, 1985 praying for quashing the order dated 22.5.89 (Annexure A-1) by which the result of the trade test of Senior Telephone Operators was declared and for direction to the respondents to consider the promotion of the applicant to the post of Senior Telephone Operator. The applicant was working on the post of Telephone Operator and appeared in the test for the post of Senior Telephone Operator but vide result declared on 22.5.89 (Annexure A-1), he did not qualify in the test. Under para 212 of Indian Railway Establishment Manual quoted by the applicant in the O.A., non-selection posts are to be filled by promotion of the seniormost suitable railway servant, suitability, whether of an individual or group of railway servants, being determined by the authority competent to fill the posts on the basis of the record of service/and or departmental tests, if necessary. The applicant has challenged the action of the respondents in holding the test mainly on the ground that no such test was ^{regularly} ~~obviously~~ held for promotion to these posts. There is no force in this argument, as according to rules,

it was competent for the appointing authority to hold the test for judging the suitability. No other irregularity in the conduct of the test has been established. The applicant has stated that he has been working on the post of Senior Telephone Operator w.e.f. 1.6.86. As mentioned by the respondents, this was, however, only an adhoc appointment. The applicant had to qualify the test before he could regularly be appointed.

2. There is, thus, no merit in the O.A. and the same is rejected. Parties to bear their own costs.


(B.B. MAHAJAN)
Administrative Member


(D.L. MEHTA)
Vice-Chairman