

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIFUR BENCH, JAI PUR.

Date of Decision: 24.2.94.

OA 807/92
(OA 402/87)

GANESH SINGH, NAND LAL YADAV
AND RAJ DEO MAURYA

... applicants.

Vs.

UNION OF INDIA & ORS.

... Respondents.

CORAM:

HON'BLE MR. GOPAL KRISHNA, MEMBER (J).
HON'BLE MR. O.P. SHARMA, MEMBER (A).

For the Applicants ... SHRI J.K. KAUSHIK.

For the Respondents ... SHRI MANISH BHANDARI.

PER HON'BLE MR. GOPAL KRISHNA, MEMBER (J).

Applicants Ganesh Singh, Nand Lal Yadav and Raj Deo Maurya have filed this application u/s 19 of the Administrative Tribunals Act, 1985, praying that the cancellation of the result in respect of the applicants for the post of Blacksmith vide Annexure A-2 be declared illegal and also for a direction to the respondents to declare the result of the trade test for the post of Blacksmith held on 11.2.86 in respect of the applicants and to consider them for promotion to the post of Blacksmith with retrospective effect.

2. We have heard the learned counsel for the parties and have carefully perused the records.

3. The salient features of the case are that the applicants were working as Hammerman at Smith Shop, Kota, in the office of the Chief Works Manager, Western Railway, Kota, when a notification for trade tests for the posts of Blacksmith and Spring Makers was issued separately. The applicants were eligible for appearing at the trade test for both the posts.

Given Since the applicants had already opted for appearing in the

trade test for the post of Spring Makers, the authorities asked them to submit their unwillingness to appear in the trade test for the post of Blacksmith. The applicants were declared successful in the trade test held for the post of Spring Makers and the orders of their promotion to the post of Spring Makers were passed on 4.2.86. Thereafter the applicants were trade tested for the post of Blacksmith on 11.2.86. The contention of the applicants is that once they were allowed to take up the trade test for the post of Blacksmith, their earlier refusal ought to be treated as cancelled.

4. The respondents in their reply contested the application on the ground that once the applicants had opted to appear in the trade test for the post of Spring Makers and after clearing the trade test they were promoted to the post of Spring Makers, they cannot turn round and claim promotion to the post of Blacksmith in case they have cleared the trade test held for the post of Blacksmith. It is also contended on behalf of the respondents that the permission to appear at the trade test for the post of Blacksmith was accorded by a person who was not competent to accord the same.

5. The applicants were permitted to appear in the trade test for the post of Blacksmith held on 11.2.86. The fact remains that the applicants havent joined the post of Spring Makers after having been promoted to the said post vide an order issued on 4.2.86. Once the applicants were permitted to take trade test for the post of Blacksmith, they are entitled to seek the declaration of their results thereof and to promotion to the post of Blacksmith if found successful or if declared successful in the test.

6. We, therefore, direct the respondents to declare the results of the trade test for the post of Blacksmith held on 11.2.86 in respect of the applicants and to consider the

applicants for promotion to the post of Blacksmith with prospective effect in case they have cleared the trade test held for the post. In case the applicants are appointed as Blacksmith their seniority in that post shall count from the date of their joining in the said post. The exercise in this behalf shall be completed by the respondents within a period of one month from the date of the receipt of a copy of this order.

7. The OA stands disposed of accordingly, with no order as to costs.

(O.P. SHARMA)
MEMBER (A)

Gopal Krishna
(GOPAL KRISHNA)
MEMBER (J)