

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH
JAIPUR.

O.A.No.1048/93

Dt. of order: 16.2.1994

Mool Chand : Applicant

Vs.

Union of India & Ors. : Respondents

Mr.J.K.Kaushik : Counsel for applicant

Mr.Manish Bhandari : Counsel for respondents

CORAM:

Hon'ble Mr.Gopal Krishna, Member(Judl.)

Hon'ble Mr.O.P.Sharma, Member(Adm.).

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

Applicant Mool Chand in this application under section 19 of the Administrative Tribunals Act, 1985, has challenged the correctness of the order cancelling the trade test proceedings held for the post of Carpenter Gr.II scale 1200-1800 (R) and seeking a direction to the respondents to declare the result of the trade test in respect of the applicant and allow him all consequential benefits.

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


3. The controversy lies within a narrow compass, the applicant was promoted and was put to officiate on the post of Carpenter Gr.II scale 1200-1800 w.e.f. 16.10.87 and thereafter he continued to hold the post under the Inspector of Works, Traffic Workshop, Western Railway, Jaipur. He appeared at the trade test for the post of Carpenter Gr.II in January 1988. He also appeared in the practical as well as viva voce test. Thereafter he was informed some time in February 1988 about his having been declared successful in the trade test. However, the result was not declared and the trade test held was cancelled in an arbitrary manner without following the principles of natural justice. The respondents controvert the allegations of the applicant by stating in the reply that the trade test proceedings in January 1988 were not held by a technically competent authority though the job for which the applicant was tested was of a technical nature and


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the trade test having been taken by Assistant Commercial Superintendent, who is not a technical hand, the same was cancelled by the ADRM. It is however admitted by the respondents in their reply that in the case of another person namely Ram Kishore, who was trade tested on 11.8.87, the result of the test was declared and Ram Kishore was promoted in spite of the fact that the trade test held for Ram Kishore was also conducted by the Assistant Commercial Supdt. In that case the administration has directed the competent authority to be careful in future and it was also clarified by the administration that in future trade tests in respect of posts of technical nature should be taken by a technical person/officer. It is evident that the applicant's trade test was conducted by the Asstt. Commercial Supdt. and the IOW, Jaipur. The learned counsel for the respondents has admitted that the post of IOW is of technical nature. Since Ram Kishore was also subjected to trade test by the same authority and he was promoted to the post of Tin Smith Gr. II scale 1200-1800, the respondents should not have adopted a discriminatory approach in the case of the applicant.

4. We, therefore, direct the respondents to declare the result of the trade test conducted for the post of Carpenter Gr. II in respect of the applicant in the month of January '88 and in case the applicant has cleared the trade test, he should be given all consequential benefits.

5. The application is allowed accordingly with no order as to costs.


(O.P. Sharma)
Member (A).


(Gopal Krishna)
Member (J).