

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

O.A.No.624/92

Dt. of order: 29.4.1994

Mahendra Singh Yadav

: Applicant

Vs.

Union of India & Anr.

: 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 Mahendra Singh Yadav has filed this application under Sec.19 of the Administrative Tribunals Act, 1985, challenging the validity of the order dated 8.3.89 (Annx.A-2) and praying for a declaration that the applicant will not be required to appear <sup>in</sup> the trade test of Highly Skilled Fitter Grade-I scale Rs.1300-2040.

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

3. The applicant after passing the trade test for the post of Mistry on 8.5.1964 ~~and~~ was promoted as Mistry on 12.5.64 and confirmed on that post w.e.f. 8.7.1970. He was further promoted as Chargeman Gr.B, w.e.f. 5.9.80 and since then he has been working as Chargeman Gr.B, in the Production Control Office under the Chief Works Manager, Wagon Repair Shop, Western Railway, Kota. His claim for confirmation as Chargeman Gr.B, is pending before the Hon'ble Supreme Court. When the respondent No.2 called for the trade test for the post of Highly Skilled Fitter Grade-I scale Rs.380-560(R) now revised to Rs.1320-2040 and the grade of the Mistry being now revised to Rs.1400-2300, the applicant represented the matter to the respondents on the ground that since he had passed the trade test of Mistry and has been confirmed as such he cannot be compelled to appear at the trade test of Highly Skilled Fitter Gr.I, which is a lower post. The respondents contested the application and stated that the applicant is presently

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working in the Production Control <sup>office</sup> of the Work Shop, Western Railway, Kota, and he is substantively appointed in the Shop Floor. It is stated by them that the applicant is holding an ex-cadre post in the Production Control Office as the applicant is substantively appointed in the Shop Floor, he is liable to be transferred to the Shop Floor and keeping this fact in view he has been asked to appear in the trade test for promotion to the post of Highly Skilled Fitter Gr.I which is a post in the Shop Floor.

4. The short question to be decided is whether the applicant is required to appear in the trade test for the post of Highly Skilled Fitter Gr.I. The applicant is substantively appointed in the Shop Floor and he is liable to be transferred to the Shop Floor. If the applicant wants his promotion in the Shop Floor to the post of Highly Skilled Fitter Gr.I, he has to appear at the trade test prescribed for that post. If he does not appear, he will have to face the consequences as per Rules. With these observations, this application is dismissed with no order as to costs.

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

Gopal Krishna  
(Gopal Krishna)  
Member (J).