

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of Decision: 11.5.2001

OA 293/95

Udai Narain, Lineman Grade-II under Traction Foreman (TRO),
Hindon City, Western Railway.

... Applicant

Versus

1. Union of India through General Manager, Western Railway, Churchgate, Mumbai.
2. Divisional Railway Manager, Western Railway, Kota Division, Kota.
3. Sr.Divisional Electrical Engineer (TRD), Western Railway, Kota Division, Kota.
4. Kailash Chand, Lineman Grade-I under Traction Foreman (TRD) Bayana, Western Railway.

... Respondents

CORAM:

HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER

HON'BLE MR.N.P.NAWANI, ADMINISTRATIVE MEMBER

For the Applicant ... Mr.Shiv Kumar

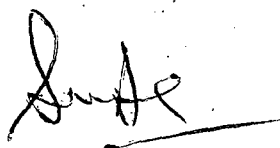
For the Respondents ... Mr.Anupam Agarwal, proxy counsel
for Mr.Manish Bhandari

O R D E R

PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER

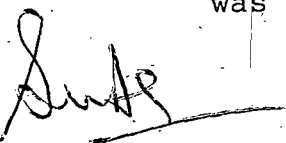
In this OA filed u/s 19 of the Administrative Tribunals Act, 1985, applicant makes a prayer to quash the impugned order dated 6.4.94 (Ann.A/1) and to direct the respondents to promote him on the post of Lineman Grade-II on the basis of his result of the trade test held on 23.9.89 and to allow all consequential benefits at par with his junior (Respondent No.4).

2. In brief, case of the applicant is that he was initially appointed as Khalasi on 4.8.75. He was transferred to Bharatpur in the year 1985 and after passing the requisite trade test he was promoted to the post of Lineman Grade-III w.e.f. 1.4.86 and further promoted to the post of Lineman Grade-II w.e.f. 27.11.92. It is stated that as per channel of promotion, Lineman Grade-III scale



Rs.950-1500 gets further promotion to the post of Lineman Grade-II scale Rs.1200-1800 and Lineman Grade-I scale Rs.1320-2040 on the basis of seniority cum suitability and the suitability is to be judged by conducting trade test. It is stated that respondent No.3 conducted a trade test for promotion to the post of Lineman Grade-II in the year 1989 but without declaring the result of the aforesaid trade test, respondent No.3 organised again a trade test for Lineman Grade-II in the year 1990-91 and on both occasions the applicant was declared as failed. It is stated that Shri Kailash Chand, respondent No.4, was declared passed and was promoted on the post of Lineman Grade-II and Lineman Grade-I. It is stated that in the month of February, 1991 the applicant came to know about the result of his trade test held on 23.9.89 that he actually passed the trade test but the result was not declared, therefore, he filed representation. He also filed an OA 320/92 before this Tribunal for declaring the result of the trade test. Aforesaid OA was disposed of vide order dated 14.1.94 with the direction that; "the respondents are directed to take the decision one way or the other and pass the necessary orders within a period of three months relating to the test held in 1989." Thereafter, respondent No.3 vide order dated 6.4.94 cancelled the trade test held in 1989. Reason for cancellation of the trade test is that the trade test proceedings would not be completed within a period of six months. It is stated that there was no irregularity in conducting the trade test and the applicant should not be made suffer by not declaring the result of the trade test held on 23.9.89. Therefore, it is stated that the action of the respondents to cancel the trade test was illegal, arbitrary and in violation of Articles 14 and 16 of the Constitution of India. Hence the applicant has filed this application for the relief as above.

3. Reply was filed. In the reply it has been made clear that result of the trade test was never declared and this was also admitted by the applicant himself. It is stated that it was decided after discussion with ADRM that the trade test conducted on 23.9.89 be cancelled and a decision was taken to conduct a fresh trade test. Therefore, the



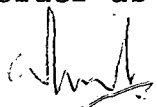
trade test conducted on 23.9.89 was cancelled vide impugned order dated 6.4.94 (Ann.A/1) and, therefore, the applicant cannot claim a right on the post on the basis of trade test which was subsequently cancelled. Therefore, it is stated that the applicant has no case and this OA is devoid of any merits and liable to be dismissed.

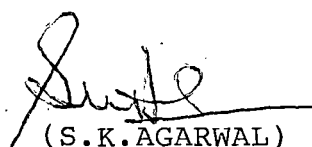
4. Heard the learned counsel for the parties and also perused the whole record.

5. Reply filed by the respondents and Ann.R/1 make it abundantly clear that the trade test conducted on 23.9.89 was cancelled after discussion with ADRM Kota on 31.5.90 on the ground that the result was not declared within the stipulated period of six months and there were some corrections made in the trade test forms affecting the pass/fail of the candidates and those corrections were not signed by the trade testing officer. Therefore, as per instructions of ADRM Kota, the result was not declared and the trade test conducted was cancelled.

6. We do not find any infirmity/illegality in cancelling the trade test so conducted on 23.9.89. In case of irregularity, where result was not declared within the period of six months and corrections were noticed affecting the pass/fail of the candidates and not signed by the trade testing officer, if the trade test conducted on 23.9.89 was cancelled and result was not declared, we do not find any illegality/infirmity in the action of the respondent department and the applicant has no case for interference by this Tribunal.

7. We, therefore, dismiss this OA having no merits with no order as to costs.


(N.P. NAWANI)
MEMBER (A)


(S.K. AGARWAL)
MEMBER (J)