

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

C.A.No.519/95

Date of order: 31/3/2000

Manoj Kumar Kalia, S/o Shri Om Prakash Kalia, R/o 925-E, Wagon Repair Shop Colony, Kota Jn, presently undergoing training of Fitter(General) in WRS, W.Rly, Kota.

...Applicant.

Vs.

1. Union of India through the General Manager, Western Railway, Churchgate, Mumbai.
2. Chief Works Manager, Wagon Repair Shop, W.Rly, Kota.
3. Shri Mohan Lal Suman undergoing training of Fitter(ER) in the Wagon Repair Shop, W.Rly, Kota.

...Respondents.

Mr.P.P.Mathur, Proxy of Mr.R.N.Mathur - Counsel for the applicant

Mr.Manish Bhandari - Counsel for respondents.

CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member

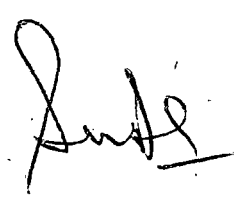
Hon'ble Mr.N.P.Nawani, Administrative Member

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

In this Original Application under Sec.19 of the Administrative Tribunals Act, 1985, the applicant makes a prayer to quash and set aside the order dated 30.9.95 issued by the respondents and to direct the respondents to appoint the applicant on the post of Fitter(General) or in the alternative appoint in the trade of Painter.

2. Facts of the case in brief as stated by the applicant are that a notification dated 18.8.94 was issued for conducting examination to select persons in skilled category out of persons working in the unskilled/semi-skilled category. It is stated that the applicant also appeared and he was selected and respondent No.2 after considering his qualification allotted him the trade of Fitter (General) and the applicant was sent for training. It is also stated that at the end of training, respondent No.2 has issued the order dated 30.9.95 by which suddenly the trade of the applicant was changed from Fitter(General) to Fitter(B.R). It is further stated that the impugned order was issued arbitrarily without giving an opportunity of hearing to the applicant and the respondents should not be allowed to force the applicant to accept the trade of Fitter(B.R). Therefore, the applicant filed this O.A for the relief as mentioned above.

3. Reply was filed. It is stated in the reply that the post of Fitter (General) and Fitter (B.R) are technical in nature and educational qualifications are wholly irrelevant for the purpose. It is stated that the candidates of both the branches i.e. Fitter

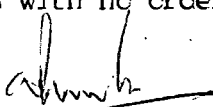


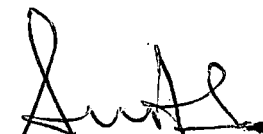
(General) and Fitter (B.R) are sent for common training and the said training was continuing till the impugned order was passed on 30.9.95. It is further stated that the applicant had appeared in the Trade Test of Fitter(B.R) and after passing the said trade test he was posted as Fitter (B.R) vide order dated 16/17.2.96. It is also stated that the allotment of trade is the discretion of the respondents and respondent No.3 is on higher merit. It is stated that when a common training for Fitter (General) and Fitter (B.R) is given no prejudice could be caused to the applicant by changing the category by the impugned order dated 30.9.95 and this O.A is devoid of any merits and liable to be dismissed.

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

5. Mainly the grievance of the applicant is only with regard to change of his trade from Fitter (General) to Fitter (B.R). It is clearly evident from the pleadings of the parties that a common training was imparted to the candidates of both the branches. On a perusal of the letter dated 30.9.95 (Annx.R1), it is also evident that the applicant had passed the trade test of Fitter (B.R). As common training was imparted to the candidates of both the branches i.e. Fitter (B.R) and Fitter (General) and the applicant has also passed the trade test of Fitter (B.R), therefore, we are of the opinion that no prejudice could be caused to the applicant by passing the impugned order dated 30.9.95. It is also not disputed that allotment of trade is the discretion of the respondents. When a common training for Fitter (General) and Fitter (B.R) was given to the candidates, we are of the considered view that there can be no violation of the principles of natural justice while passing the impugned order. It is also important to mention that the applicant is working in Trade (B.R) since long, therefore, the applicant has no case for interference by this Tribunal and this O.A is devoid of any merit, therefore, liable to be dismissed.

6. We are, therefore, of the opinion that the applicant is not entitled to any relief sought for. Therefore, we dismiss this O.A with no order as to costs.


(N.P. Nawani)
Member (A).


(S.K. Agarwal)
Member (J).