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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

C.A No.255/99

Date of order: 28/7/2000

Udai Raj Yadav, S/o Sh.Ram Dayal Yadav, posted as Motor Trolley Driver Gr.III, Hindon City, W.Rly, Kota Division.

...Applicant.

vs.

1. Union of India through General Manager, W.Rly, Church Gate, Mumbai
2. Sr.Divisional Electrical Engineer(KV) (Establishment), W.Rly, Kota Division, Kota.

...Respondents.

Mr.Shiv Kumar - Counsel for applicant.

Mr.R.G.Gupta - Counsel for respondents.

CORAM:

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

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

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

In this Original application filed under Sec.19 of the Administrative Tribunals Act, 1985, the applicant makes a prayer to direct the respondents to conduct trade test in respect of the applicant for promotion to the post of Motor Trolley Driver Grade II pay scale Rs.4000-6000 with all consequential benefits.

2. Brief facts of the case as stated by the applicant that he was initially appointed as Khallasi on 1.1.84 thereafter he was promoted and presently working on the post of Motor Trolley Driver Gr.III. It is stated that trade test for promotion was conducted and the applicant was declared pass and he was given promotion on Motor Trolley Driver Gr.III vide order dated 19.7.95. He also passed the training for the post of Motor Trolley Driver Gr.III vide order dated 29.1.98 and he was placed at Sl.No.1 in the merit list. It is also stated that as per seniority list, the applicant was only the person working on the post Motor Trolley Driver Gr.III, thus he is eligible for the post of Motor Trolley Driver Gr.II. But the respondents have issued order dated 9.2.99 in favour of

Sh. Shabbir Abdullah whose name does not appear in the seniority list and the respondents have not invited any application for the same and the promotion to Shri Shabbir Abdullah ^{was} given ignoring the name of other eligible candidates. It is stated that the applicant was the senior-most eligible candidate for the post of Motor Trolley Driver Gr. II but he was not called for trade test and his name was left due to some extraneous considerations where as there was nothing adverse against the applicant, therefore, he filed the O.A for the relief as mentioned above.

3. Reply was filed. In the reply it is stated that notification dated 19.1.99, was issued regarding trade test of Motor Trolley Driver Gr. II accompanied with an eligibility list in which Shri Shabbir Abdullah was shown senior to the applicant and the applicant did not react to it. It is further stated that Shri Shabbir Abdullah was declared successful in the trade test conducted on 6.2.99 but no representation was made by the applicant against the said selection. It is also stated that vice order dated 23.9.94, in O.A No. 666/92, Shabbir Abdullah Vs. UOI, the name of Shri Shabbir Abdullah in the seniority list of Motor Trolley Drivers Gr. III in scale Rs. 950-1500/3050-4590 was also placed at Sl. No. 1 over the applicant and it was provided that objections if any to any one could be filed in the office within 10 days. But no objection whatsoever or any representation was filed by the applicant. Therefore, Shri Shabbir Abdullah was rightly placed over the applicant in the seniority list of Motor Trolley Driver Gr. III and after passing the trade test Shri Shabbir Abdullah was rightly promoted to the post of Motor Trolley Driver Gr. II in the pay scale Rs. 4000-6000 and the applicant has no case for interference by this Tribunal, therefore, this O.A is liable to be dismissed.

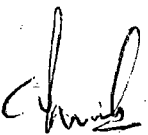
4. Heard the learned counsel for the parties and also perused the whole record.

5. It is not disputed that notification dated 19.1.99 was issued for trade test for the post of Motor Trolley Driver Gr. II, alongwith this notification the eligibility list was also issued in which Shri Shabbir

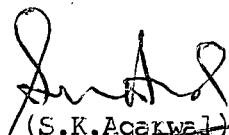
Abdullah was shown senior to the applicant. After issuance of this notification and eligibility list, the applicant did not react to it and he did not file any representation challenging the eligibility list in which Shri Shabbir Abdullah was shown senior to the applicant. It is also not disputed that in pursuance of notification dated 19.1.99 Shri Shabbir Abdullah appeared in the trade test conducted on 6.2.99 and he was declared successful and thereafter he was promoted on the post of Motor Trolley Driver Gr.11 in the scale Rs.4000-6000.

7. In view of the above, we are of the considered opinion that the applicant has no case for interference by this Tribunal, therefore, this O.A. is devoid of any merit and is liable to be dismissed.

8. We, therefore, dismiss the O.A. with no order as to costs.


(N.P. Nawani)

Member (A).


(S.K. Agarwal)

Member (J).