

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : : : GUWAHATI-5.

O.A. NO. 41 of 1997
T.A. NO.

DATE OF DECISION 13.5.1997

Shri Subodh Chandra Dey and others

(PETITIONER(S))

Mr B.K. Sharma, Mr B. Mehta and
Mr S. Sarma

ADVOCATE FOR THE
PETITIONER (S)

VERSUS

Union of India and others

RESPONDENT (S)

Mr S. Ali, Sr. C.G.S.C. and
Mr G. Sarma, Addl. C.G.S.C.

ADVOCATE FOR THE
RESPONDENT (S)

THE HON'BLE MR JUSTICE D. N. BARUAH, VICE-CHAIRMAN

THE HON'BLE MR G. L. SANGLYINE, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.41 of 1997

Date of decision: This the 13th day of May 1997

The Hon'ble Mr Justice D.N. Baruah, Vice-Chairman

The Hon'ble Mr G.L. Sanglyine, Administrative Member

1. Shri Subodh Chandra Dey,
2. Shri Arjun Shah
3. Shri Sagina Ram
4. Shri Ganesh Bhagat

The applicants are working as Electrician (SK)
under the Garrison Engineer, Shillong,
Mechanical Electrical Section, Shillong.

.....Applicants

By Advocates Mr B.K. Sharma, Mr B. Mehta and
Mr S. Sarma.

- versus -

1. The Union of India, represented by the
Secretary to the Government of India,
Ministry of Defence,
New Delhi.
2. The Secretary, Works Committee,
Garrison Engineer,
Shillong.
3. The Chief Engineer,
Shillong Zone, Shillong.
4. The Commander Works Engineer,
Shillong.
5. The Garrison Engineer,
Shillong.

.....Respondents

By Advocate Mr S. Ali, Sr. C.G.S.C. and
Mr G. Sarma, Addl. C.G.S.C.

.....

O R D E R

BARUAH.J. (V.C.)

The four applicants in this application have approached
this Tribunal praying, interalia, for a direction to the respondents
to promote the applicants to the Higher Selection Grade-II, to
fix the correct seniority position of the applicants and also for



giving all consequential benefits to the applicants and provide promotional avenue to them.

2. Facts for the purpose of disposal of this application are:

The applicants initially were appointed under the respondents on various dates. According to the applicants the respondents have totally ignored the claim of the applicants for promotion to the next higher post, i.e. Higher Selection (for short HS) Grade II. In 1993 the applicants appeared in the eligibility trade test for promotion from Electrical (Skilled) to HS Grade II. In that interview, however, the applicants could not come out successful. Accordingly, their names were not shown in the select list. In 1995 another trade test was held and twelve persons were called for the said test. This time, however, the applicants were not called. Being aggrieved, the applicants submitted Annexure-5 representation dated 29.8.1996 and the said representation was disposed of by Annexure-6 Order dated 3.9.1996, stating, interalia, that the applicants were not eligible to be called for the test as they did not come within the zone of consideration. Hence the present application.

3. The learned counsel for the applicants was heard at some length. Similarly, Mr S. Ali, learned Sr. C.G.S.C. was also heard. After hearing the counsel for the parties we wanted to know why the applicants were not called for the test. According to the learned counsel for the applicants, persons junior to the applicants had been called for the interview ignoring the claim of the applicants. We had, therefore, directed the Garrison Engineer to appear before us. The Garrison Engineer, Major Ashok Madan personally appeared before us and informed that the applicants did not come within the zone of consideration,

and.....

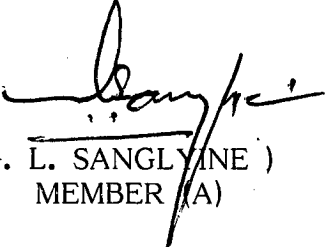
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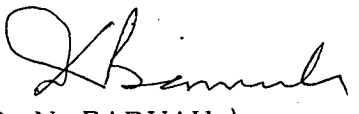
and therefore, they were not called. The learned counsel for the applicants, however, was not satisfied. He insisted on the records being produced. Accordingly, we directed the Garrison Engineer to produce the records. Today the records have been produced. Copies have also been served on the other side. The seniority list for the 1995 trade test have also been produced. We have gone through the said list. We do not find that the twelve persons called for the interview were junior to the applicants as submitted by the learned counsel for the applicants. We asked the learned counsel for the applicants to point out the junior persons who were called for the test. The learned counsel for the applicants, however, on going through the list, very fairly submits that not a single junior person had been called. As the applicants did not come within the zone of consideration, in our opinion, there is no merit in the application. The application deserves to be summarily dismissed.

4. It may be pertinent to mention that out of the twelve persons called for the interview, six are from General category, three from Scheduled Caste category and the remaining three are from Scheduled Tribe category. They are not juniors to the applicants.

5. Accordingly the application is dismissed, there being no merit.

6. Considering the entire facts and circumstances of the case we make no order as to costs.


(G. L. SANGLYINE)
MEMBER (A)


(D. N. BARUAH)
VICE-CHAIRMAN