

(14)

**THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR  
ORDER SHEET**

APPLICATION NO.: \_\_\_\_\_

Applicant (S)

Respondent (S)

Advocate for Applicant (S)

Advocate for Respondent (S)

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

06.10.2009

OA No. 177/2005

None present for the parties.

This case has been listed before the Deputy Registrar due to non availability of Division Bench. Be listed before the Hon'ble Bench on 04.11.2009.

  
(Gurmit Singh)  
Deputy Registrar

04.11.2009

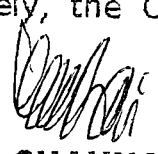
OA No. 177/2005

Mr. Amit Mathur, Counsel for applicant.  
Mr. Murari Lal Gupta, Counsel for respondents.

Heard learned counsel for the parties.

For the reasons dictated separately, the OA is disposed of.

  
(B.L. KHATRI)  
MEMBER(A)

  
(M.L. CHAUHAN)  
MEMBER (J)

AHQ

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH**

*Jaipur, this the 04<sup>th</sup> day of November, 2009*

**ORIGINAL APPLICATION NO. 177/2005**

**CORAM:**

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER  
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

1. Chandra Kishore son of Shri Ram Lal Koli, aged about 45 years, resident of Gurjar Tila Nagra, Ajmer, Presently working as Helper Khallasi, at Loco Workshop, Ajmer.
2. Subash son of Shri Om Prakash aged about 50 years, resident of 154/26, Nai Basti, Ram Ganj, Ajmer. Presently working as Helper Khallasi at Loco Workshop, Ajmer.

.....APPLICANTS

(By Advocate: Mr. Amit Mathur)

**VERSUS**

1. Union of India through the General Manager, North Western Railway, Jaipur.
2. The Chief Works Manager, Loco workshop, North Western Railway, Ajmer.
3. Shri Rajkumar, Ticket No. 63834, presently working as Electrical Fitter Grade III at Diesel Shop, Ajmer.
4. Shri Nemi Chand, Ticket No. 74025, presently working as Electrical Fitter Grade III at Diesel Shop, Ajmer.
5. Shri Rakesh Kumar, Ticket No. 58706, presently working as Electrical Fitter Grade III at Diesel Shop, Ajmer.
6. Smt. Lalita Devi, Ticket No. 68019, presently working as Electrical Fitter Grade III at Diesel Shop, Ajmer.
7. Shri Narain, Ticket No. 68640, presently working as Electrical Fitter Grade III at Diesel Shop, Ajmer.
8. Shri Mohan Dass, Ticket No. 68925, presently working as Electrical Fitter Grade III at Diesel Shop, Ajmer.
9. Shri Kishori Lal, Ticket No. 70040, presently working as Electrical Fitter Grade III at Diesel Shop, Ajmer.

.....RESPONDENTS

(By Advocate : Mr. Murari Lal Gupta proxy to Mr. N.C. Goyal)

**ORDER (ORAL)**

The applicants have filed this OA thereby challenging the order dated 22.08.2003 (Annexure A/1), order dated 28.07.2003 (Annexure A/2) and order dated 23.03.2004 (Annexure A/3).

2. In sum & substance, the case of the applicants is that once the respondents have notified the vacancy for selection to the post of Electrical Fitter Grade III vide notification dated 02.05.2003 (Annexure A/6), it was not permissible for them to subsequently cancelled the selection vide impugned order dated 02.08.2003 (Annexure A/8).

3. Notice of this application was given to the respondents. The respondents have filed their reply. In the reply, the fact that in order to fill 8 vacancies in Diesel Shop, a trade test list was issued vide letter dated 02.05.2003 whereby the name of the applicants finds place at sl. Nos.1 and 4 is not disputed. However, the stand taken by the respondents was that in the year 2000, a trade test examination list for Electrical Fitter Grade III containing the name of 42 employees was issued. It is further stated that the result of this examination was declared vide letter No. EW 1130/1/18 Part 6 dated 25.01.2001 (Annexure R/4). It is further stated that the employees from serial no. 1 to 25 of the list, who have completed two years of service in lower grade were promoted to the post of Electrical Fitter Grade III vide letter No. EW 840/8 Part-7 dated 16.02.2001 (Annexure R/5) whereas employees whose names find mentioned at sl. nos. 26 to 37 and who have not completed two years of service in the lower grade were not promoted whereas as per headquarter office letter dated 14.05.1990, under para 2, the employees who have completed three years of service in Group 'D' were eligible for promotion to Group 'C'. It is further stated that when this mistake was detected, the persons from serial nos. 26 to 37 were given proforma promotion. It was under

these circumstances the Impugned order was issued thereby canceling the trade test and notification issued earlier was withdrawn.

4. In view of what has been stated above, we are of the view that the applicants are not entitled to any relief. However, further grievance of the applicants is that the respondents have again undertaken selection process to fill the posts of Electrical Fitter Grade III subsequent to the cancellation of the examination held in the year 2003 vide order dated 02.08.2003 (Annexure A/8). For that purpose, learned counsel for the applicant has drawn our attention to order dated 23.03.2004 (Annexure A/3) whereby 6 persons have been declared to have passed the trade test. According to the learned counsel for the applicant, it was not permissible for the respondents to hold the trade test subsequently thereby ignoring the claim of the applicant, who were eligible for promotion to the post of Electrical Fitter Grade III. The respondents were directed to clarify this position vide order dated 14.09.2009. The respondents have not clarified this position till date.

5. In view of what has been stated above, we are of the view that ends of justice will be met if the directions is given to the respondents to clarify the position as to on what basis the trade test was held for Electrical Fitter Grade III, which resulted in the issuance of the office order dated 23.03.2004 (Annexure A/3) whereby 6 persons were declared passed. Accordingly, the respondents are directed to clarify this position under intimation to the applicant within a period of six weeks from the date of receipt of a copy of this order. In case the applicant are still aggrieved, it will be open for him to challenge the

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validity of the office order dated 23.03.2004 (Annexure A/3) on all permissible grounds.

6. With these observations, the OA is disposed of with no order as to costs.

  
**(B.L. KHATRI)**  
**MEMBER (A)**

  
**(M.L. CHAUHAN)**  
**MEMBER (J)**

AHQ