

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 9th day of August, 2011

OA No. 182/2009

CORAM:

HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)
HON'BLE MR. ANIL KUMAR, MEMBER (ADMV.)

Mohmed Yasin
s/o Shri Jumma Khan,
r/o Railway Colony,
Near Shivaji Mandir,
Ba Madarsa, Sawaimadhopur and
presently working as Vehicle Driver,
Grade-III under Chief Signaller Inspector,
West Central Railway,
Sawai Madhopur.

.. Applicant

(By Advocate : Shri C.B.Sharma)

Versus

1. Union of India
through General Manager,
West Central Zone,
West Central Railway,
Jabalpur (M.P.).
2. Senior Divisional Signal and
Telecommunication Engineer,
West Central Railway,
Kota Division, Kota.
3. Assistant Divisional Signal and
Telecommunication Engineer,
West Central Railway,
Kota Division, Kota

.....Respondents

(By Advocate : Shri R.G.Gupta)

ORDER (ORAL)

Brief facts of the case are that the applicant was appointed on the post of substitute Gangman vide order dated 5.5.1981 and regularised vide order dated 5.5.1984. Thereafter he was transferred to R.E. Kota and posted as Trolley Man in the scale of Rs. 200-250 (R) under the Chief Signal Engineer (RE), Kota. Further, consequent upon passing trade test for the post of Motor Trolley Driver in the scale Rs. 950-1500 vide letter dated 1.12.1988 he was posted under C.S.I., Sawai Madhopur.

2. The controversy arose when the applicant was called for trade test for Vehicle Driver Grade-II in the scale of Rs. 1200-1800 vide letter dated 2.12.2004 but the TTO/TTS found the applicant failed in the trade test for Grade-II. The applicant was second time called for trade test of Vehicle Driver Grade-II but declared fail. Therefore, the benefit of A.C.P. scheme was not extended in favour of the applicant, as the employee is required to pass the Vehicle Driver Grade-II trade test which has not been passed by the applicant. Further chances were given to the applicant to appear in the trade test but he was declared fail.



3. By way of the present OA, the applicant prayed that respondents may be directed to allow Grade-II and further Grade-I from the date junior so allowed after declaring him as passed in trade test to the cadre of Vehicle Driver Grade-II by quashing letter dated 24.3.2009 (Ann.A/1) with all consequential benefits.

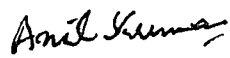
4. Having considered the rival submissions made on behalf of the respective parties and upon perusal of the relevant provisions of law, it is not disputed that it is mandatory to clear the trade test and admittedly, the applicant has not cleared the trade test, despite of the fact that several opportunities to appear in the trade test have been provided to the applicant.

5. We are not impressed with the submission advanced on behalf of the applicant that the applicant was failed deliberately by the concerned authorities. It per-se appears to be false as trade test was undertaken by different authorities on different occasions and no mala-fide has been alleged by the applicant against any officer. In such circumstances, the relief which has been claimed by the applicant that he be declared pass in the trade test and to allow Grade-II and further Grade-I which has been allowed to other similarly situated persons, cannot be granted. Further, it is not disputed that other similarly situated persons have passed the trade test and the applicant cannot equate his case with those persons



who have already passed the trade test. Consequently, no interference whatsoever is called for by this Tribunal.

6. Accordingly, the OA being bereft of merit is dismissed with no order as to costs.



(ANIL KUMAR)
Admv. Member



(JUSTICE K.S.RATHORE)
Judl. Member

R/