

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A. No.2072/2013

Reserved on : 20.03.2019

Pronounced on : 04.04.2019

**HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MS. ARADHANA JOHRI, MEMBER (A)**

1. Yogender Singh
S/o Shri Zile Singh
Working as Tailor Skilled,
Ordnance Depot,
Shakur Depot,
New Delhi.
2. Mohd. Jakir Hussain
S/o Shri M.D. Hussain
R/o E-35, Hari Enclave-I,
Suleman Nagar, Kirari,
Delhi.
3. Veena Kohli
W/o Shri Suresh Kohli,
R/o H.No.862, Sector-2,
Pkt. 6/1, Rohini, Delhi.
4. Ganga Ram
S/o Shri Amar Singh
Working as Tailor Skilled,
Ordnance Depot,
Shakur Basti, New Delhi. ...Applicants

(By Advocate: Shri D.S. Mahendru)

Versus

Union of India & Others

1. The Secretary,
Ministry of Defence,
South Block,
New Delhi.
2. The Commandant,
Ordnance Depot,
Shakur Basti, New Delhi.

3. Jagmohan
S/o Prabhu Dayal,
R/o A-127, Gorav Nagar,
Prem Nagar-II, Kirari,
Delhi-110086.
 4. Ram Pal
S/o Shri Ganga Ram
R/o Village Post Office-Khera Khurd,
New Delhi-110082.
 5. Nand Kumar
S/o Shri Bir Bal
R/o A-444, Nabi Karim, Pahar Ganj,
Delhi-110055.
 6. Shri Niwas
S/o Shri Mukhtiar
Village Bapdola, PO, Najafgarh,
New Delhi-110043.
- ..Respondents

(By Advocate: Shri Subhash Gosai)

ORDER

By Shri V. Ajay Kumar, Member (J)

The applicants, 4 in number, and working as Tailor Skilled in the 2nd respondent-Ordnance Depot, filed the OA seeking quashing of the Annexure A-1 order dated 08.06.2013 insofar as promoting the private respondents No.3 to 6 from Tailor Skilled to Tailor Highly Skilled Grade-II and the consequential Annexure A-1A Order dated 18.06.2013 in fixing the pay of the private respondents with effect from 31.12.2012, in the promotional post.

2. The applicants submit that they are working as Tailor Skilled in the 2nd respondent-Ordnance Depot. The respondents have

invited applications from the eligible persons of the Ordnance Depot for promotion to the next higher posts in the respective trades. As per the respondents, the total number of vacancies for promotion from the post of Tailor Skilled to Tailor Highly Skilled Grade-II were 9 vacancies, as on 31.12.2012. As the applicants are eligible, they applied for the said trade test and as per the results declared by the respondents, vide order dated 15.03.2013 (Annexure A-2), all the applicants have passed the said trade test. In view of their passing of the trade test, while the applicants were awaiting for their promotion orders, the respondents issued the impugned Annexure A-1 Promotion Order dated 08.06.2013 without including the names of the applicants. On the other hand, the respondents have promoted the private respondents No.3 to 6 to the post of Tailor Highly Skilled Grade-II who have not participated in the trade test for the respective trade at any point of time. Hence, the OA.

3. Heard Shri D.S. Mahendru, the learned counsel for the applicants and Shri Shubhash Gosai, the learned counsel for the respondents and perused the pleadings on record.

4. Shri D.S. Mahendru, the learned counsel appearing for the applicants submits that the impugned Annexure A-1 promotion order dated 08.06.2013 stated that the persons whose names were included in the said promotion order have passed the requisite trade test in their respective trades held on 28th and 29th December,

2012, but the private respondents No.3 to 6 have not participated in the trade test for the post of Tailor Highly Skilled, held on 28th and 29th December, 2012. Hence promoting the private respondents No.3 to 6, by ignoring the claims of the applicants who have actually participated in the trade test for Tailor Highly Skilled Grade-II held on 28th and 29th December, 2012 and passed the said trade test, is illegal. The learned counsel further submits that the Recruitment Rules of 2009 (Annexure R-2) were applicable to the trade test conducted in the year 2012 and as per the same, passing of prescribed trade test was a pre-condition for promotion to the post of Tailor Highly Skilled and since the private respondents No.3 to 6 have not passed the trade test for the post of Tailor Highly Skilled, the impugned promotion order in respect of their promotion is liable to be quashed.

5. Shri Shubash Gosai, the learned counsel appearing for the respondents while not denying the fact that the applicants have passed the respective trade test conducted on 28th and 29th December, 2012 for promotion to the post of Tailor Highly Skilled Grade-II, however, submits that the private respondents No.3 to 6 have passed the trade test for the post of Chargeman, which is a higher post than the post of Tailor Highly Skilled Grade-II and as per Annexure R-3 letter dated 24.01.2007, that there is no validity period of the trade test for promotion from Tradesman (Highly

Skilled) to Chargemen Grade-II and that those who have once passed the trade test are not required to pass it again, and accordingly, as the private respondents No.3 to 6 have already passed the trade test for Chargemen, even before 2012, they were promoted vide the impugned order. It is further submitted that the applicants were juniors to the private respondents No.3 to 6 in the category of Tailor Skilled and hence the applicants cannot have any objection for promotion of the private respondents No.3 to 6 to the post of Tailor Highly Skilled Grade-II.

6. The learned counsel for the respondents further submits that prior to the issuance of 2009 Recruitment Rules, wherein Recruitment Rules in respect of Tailor category were amended, the Tailor trade was a semi skilled trade and its hierarchy was as under:-

“Mazdoor

Tailor Mate

Tailor (Semi Skilled)

Chargeman Grade-II”

7. It is further submitted that in compliance with para 2 (ix) of OM dated 20.05.2003, the Recruitment Rules were amended in respect of tailor trade as per the Gazette Notification of 18.12.2009 and tailor trade was granted the status of skilled trade with effect from 01.01.1996 and was further restructured as under:-

“Skilled

Highly Skilled Grade-II

Master Craftsman”.

Out of the available strength of Tailors, 8 Tailors in Highly Skilled Grade-II and 5 Tailors in Skilled Trade had already passed the trade test for Chargeman Grade-II, prior to the restructuring of the Tailor trade, when tailor trade was a semi skilled trade as the trade test of Chargeman Grade-II was the highest promotional qualification after semi skilled grade as per the old hierarchy. Therefore, during the DPC 2012, the private respondents No.3 to 6 were exempted from appearing in the trade test for Highly Skilled Trade Test-II and Highly Skilled Grade-I, which were added into the hierarchy of the tailor trade after the Recruitment Rules were amended by the Government of India in respect of tailor trade with effect from 18.12.2009 vide Gazette Notification SRO dated 18.12.2009. Accordingly, in terms of the clarification, the private respondents No.3 to 6 who passed the trade test for the higher post of Chargeman, and who were seniors to the applicants in the Tailor Skilled Grade, were promoted to the next post of Tailor Highly Skilled Grade-II, vide the impugned Annexure A-1.

8. It is not in dispute that the private respondents No.3 to 6 were seniors to the applicants in the Tailor Skilled Grade and it was also not in dispute that the private respondents No.3 to 6 have passed

the trade test for the higher post of Chargeman, even prior to the 2012 Notification. Further, the Annexure R-3 clarifies that those persons who have passed the trade test for promotion from Tradesman (Highly Skilled) to Chargeman Grade-II, need not pass the trade test again and that there is no expiry or validity period of the said trade test.

9. In the circumstances and for the aforesaid reasons, the OA is dismissed being devoid of any merit. No costs.

(ARADHANA JOHRI)
Member (A)

(V. AJAY KUMAR)
Member (J)

RKS