

Central Administrative Tribunal Principal Bench, New Delhi

O.A. No.1157/2013

Wednesday, this the 22nd day of May 2019

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)

Tulsi Ram s/o Sh. Tara Chand
r/o T-35/C, Shri Ram Road Railway Colony
Civil Lines, Delhi – 54

..Applicant

(*Nemo*)

Versus

1. Union of India
through the General Manager
Northern Railway,
Baroda House, New Delhi
2. The Divisional Railway Manager
Northern Railway, Delhi Division
State Entry Road,
New Delhi
3. The Asstt. Personnel Officer/ Engg.
DRM's Office, Northern Railway
State Entry Road,
New Delhi
4. The Sr. Section Engineer (Works)
Northern Railway, Baroda House
New Delhi

..Respondents

(Mr. Kripa Shanker Prasad, Advocate)

O R D E R (ORAL)

Justice L. Narasimha Reddy:

This is one of the oldest O.As. In fact, it was allowed on 06.04.2017. However, on R.A. being filed by the respondents, the order dated 06.04.2017 was recalled and the O.A. was

restored to file. Thereafter, the O.A. has undergone several adjournments.

2. On noticing that Mr. Yogesh Sharma's name was shown as counsel for applicant and he, in turn, stated that he is no longer the counsel in the O.A., Registry was directed to issue notice to the applicant. Such a notice was issued on 24.03.2019. However, there is no representation on behalf of applicant. We perused the record, as provided under Rule 15 of CAT (Procedure) Rules, 1987, and heard Mr. Kripa Shanker Prasad, learned counsel for respondents, with a view to dispose of the O.A.

3. The applicant joined the service of Railways as Khallasi in the year 1981. Promotion from that post is to the post of Artisan/Skilled grade, on the basis of performance in a trade test conducted for this purpose. One such trade test was conducted in the year 2006. On coming to know that two Khallasis, who were juniors to the applicant, were promoted to the post of Artisan, he verified the matter and found that the trade test was conducted in 2006. He pleaded that the notification pertaining to the test was not displayed in the office where he was working, and in that view of the matter, he is entitled to promotion, on par with his juniors.

4. At a later stage, i.e., in the year 2011, the applicant cleared the trade test and was promoted. This O.A. is filed with a prayer

to quash the order dated 25.07.2011 and direct the respondents to consider his case for promotion to the post of Artisan/Skilled category (Mason) from the date on which his juniors were promoted, i.e., on 03.10.2006, and to grant him consequential benefits.

5. The respondents filed counter affidavit opposing the O.A. It is stated that the applicant was working in the Headquarters of the Northern Railway in the year 2006 and if he did not participate in the trade test for promotion to the next higher post, he cannot blame the administration. Several grounds pleaded by the applicant are contradicted.

6. There is no representation on behalf of applicant. We heard Mr. Kripa Shanker Prasad, learned counsel for respondents.

7. It is not in dispute that promotion to the post of Artisan/skilled category is on the basis of performance in a trade test. Admittedly, the applicant did not take part in the trade test, held in the year 2006 and due to that, he was not considered for promotion. The respondents cannot be held liable for the lapse on the part of applicant. We are yet to come across a provision of law or a precedent, which directs that an employee can be promoted even if he did not participate in the qualifying trade test.

8. We do not find any merit in the O.A. It is accordingly dismissed.

There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

May 22, 2019
/sunil/