

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. No.1949/2003

This the 13th day of July, 2004

HON'BLE SHRI V.K. MAJOTRA, VICE-CHAIRMAN (A)

HON'BLE SHRI SHANKER RAJU, MEMBER (J)

Hem Chand S/O Sunheri,
R/O House No.340, Village Tekhand,
Mavi Mohalla,
New Delhi-110020.

... Applicant

(Ms. Kailash Golani, Advocate)

-Versus-

1. Union of India through
Secretary, Ministry of
Urban Development, Nirman Bhawan,
New Delhi.
2. Superintending Engineer,
Coordination Circle (Electrical),
C.P.W.D. D-401, I.P.Bhawan,
I.P.Estate, New Delhi-110002.
3. Superintending Engineer,
P.W.D. Electrical Circle-I
(Delhi State), New Delhi,
I.P.Estate, New Delhi-2.
4. Govt. of NCT of Delhi
through its Chief Secretary,
5, Shamnath Marg,
New Delhi.

... Respondents

(By Shri Rishi Prakash, Advocate)

ORDER

Hon'ble Shri V.K. Majotra, Vice-Chairman (A)

Applicant is stated to have been appointed as a Khalasi on 24.4.1970. According to applicant, he participated in a trade test held on 10.6.1975 by respondents to fill up the post of Operator through promotion among eligible Khalasis. He claims to have been declared successful in the trade test vide Annexure-B dated 12.8.1975. Applicant has alleged that

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while Khalasis junior to him were promoted by respondents to the post of Operator during the period 1975-1987, applicant has been denied promotion. Applicant's representations from time to time are stated to have not been paid any attention. Ultimately, applicant filed CWP No.1395/2001 for his claims before the Hon'ble High Court which vide orders dated 25.3.2003 returned the petition to the applicant with liberty to file the same or fresh petition before this Tribunal, in accordance with law.

2. The learned counsel of applicant contended that applicant had been declared successful in the trade test held by the respondents on 10.6.1975 for promotion to the post of Assistant Operator. For this, he relied upon Annexure-B dated 12.8.1975. He further relied on a letter of the respondents dated 26.7.2000 which is an internal correspondence of the department to the effect that injustice had been done to the applicant. He had passed trade test twice in 1975 and 1995 but had not been granted promotion while his juniors had been promoted.

3. On the other hand, the learned counsel of the respondents stated that applicant had ~~not~~^h qualified the requisite trade test for the post of Assistant Operator and that he had not been declared successful for the same vide memorandum dated 12.8.1975 (Annexure-B). As a matter of fact, applicant's namesake who is son of Shambhu was declared successful and not the applicant. Applicant's father's name is Sunheri and he had ~~not~~^h been declared successful in the ^{1975^h} trade test. While the applicant has qualified the trade test in 1995, the matter of his promotion w.e.f. 11.4.1995 to the post of Assistant Pump Operator is pending consideration before the competent authority.

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4. We have considered the rival contentions as also ^{perused by} the service book of the applicant produced by the respondents. Indeed, applicant's father's name is Sunheri. Applicant has relied upon Annexure-B dated 12.8.1975 in proof of his having been declared successful in the trade test conducted on 10.6.1975. As per this document one Shri. Hem Chand son of Shambhu was declared successful in the trade test conducted on 10.6.1975. Applicant who is son of Sunheri was not declared successful in that trade test. Obviously, applicant has concealed information that he had not been declared successful in trade test held on 10.6.1975. This suppression of information is certainly misleading. Although respondents have admitted that applicant has qualified the trade test held in 1995 and that applicant's promotion is under consideration of the competent authority on the basis of that, we refrain from issuing any directions in that connection.

5. This OA is dismissed on the ground that applicant has attempted at misleading the Court by claiming that he had been declared successful in the trade test for promotion to the post of Assistant Operator held on 10.6.1975 by relying on Annexure-B dated 12.8.1975 which does not relate to his participation and success in the trade test held on 10.6.1975.

S. Raju
(Shanker Raju)
Member (J)

/as/

V. K. Majotra
(V. K. Majotra)
Vice-Chairman (A)

13.7.07