

11th September, 2025
(D/L No.11)
Ct. No.4
(SKB)

W.P.C.T. 33 of 2013
With
CAN 1 of 2016 (Old CAN 8470 of 2016)
Union of India and others
Versus
Sri Lalan Jha

Mr. S. N. Dutta
... for the petitioners/U.O.I.
Mr. S. K. Datta,
Mr. Barun Chatterjee
... for the respondent.

1. Heard the learned counsel for the petitioners as well as the learned counsel representing the respondent.
2. The Ministry of Defence have fitted industrial workers in the Military Engineering Service in Five Scales, starting from Motor Pump Attendant (unskilled) going up to the Motor Pump Attendant (higher skilled), nomenclature of which was subsequently changed.
3. The issue arising for consideration before the Central Administrative Tribunal, Kolkata Bench (in short 'Tribunal') in O.A. No.220 of 2011 was whether the applicant before the Tribunal had passed the trade test for becoming a Fitter General Mechanic(skilled)[in short 'FGM (SK)']. Considering the applicant to have been erroneously promoted to this grade without passing the trade test, the

authorities passed orders against the applicant/respondent, which was assailed before the Tribunal.

4. The Tribunal has considered the issue and arrived at a finding in its order dated 26.07.2012, that the present applicant/respondent had passed the requisite trade test on 11.04.1981. The Tribunal has, therefore, not accepted the stand of the Union of India insisting that the applicant be required to pass trade test again before being promoted as FGM(SK). The conclusion is founded on a consideration of the fact that the trade test passed by the applicant on 11.04.1981, based on which he was promoted as FGM(SK) was one and the same, which the authorities wanted him to pass at the time of issuance of the alleged erroneous promotion in 1984.
5. The other aspect which has been considered by the Tribunal is that the applicant after being promoted as FGM(SK), has been further promoted to the next higher scale as FGM(HS), and had continued to serve on the higher post for a period of 12 years.
6. We take notice of the fact that the petitioner, as per his date of appointment mentioned in the Original Application, would have retired sometime

around 2014 and, therefore, by now, more than a decade would have lapsed since he was retired.

7. Considering the circumstances, we find no reason to interfere with the order passed by the Tribunal in exercise of the jurisdiction under Article 226 of the Constitution of India.

8. The writ petition is, thus, dismissed.

9. Accordingly, the application being CAN 1 of 2016 (Old CAN 8470 of 2016) stands disposed of.

10. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)