

(11)

Central Administrative Tribunal  
Principal Bench: New Delhi

OA No. 1425/2002

with

OA No. 1335/2002

OA No. 664/2002

This the 6th day of September, 2002

Hon'ble Mr. Justice V.S. Aggarwal, Chairman

Hon'ble Mr. V.K. Majotra, Member (A)

OA No. 1425/2002

1. Om Prakash  
S/o Mahavir Prasad,  
R/o 1201, Gulabi Bagh,  
Delhi.
2. Nathu Ram  
S/o Ram Dhan,  
R/o E-347, Shakoorpur,  
J.J. Colony, Delhi-110 034.
3. Charni  
S/o Shri Kewal,  
R/o D/8, 33 ft. Road, Dayalpur,  
Delhi-110 094.
4. Bhagwat Prasad  
S/o Sardar Singh,  
R/o H.No.371, Samaipur Badli,  
Delhi.
5. Ram Saroop  
S/o Ganga Prasad Maurya,  
H.No.2, P.W.D. Staff Quarters,  
D.A.P. Lines,  
Delhi-110 009
6. Nathu S/o Mool Chand  
R/o L-193, Nangloi,  
Delhi-110 041.

-Applicants

(By Advocate: Shri R.K. Shukla)

Versus

Union of India through

1. The Secretary,  
Ministry of Urban Development,  
Nirman Bhawan, New Delhi.
2. The Director General of C.P.W.D. (Works),  
Nirman Bhawan,  
New Delhi.
3. The Superintending Engineer,  
P.W.D. Circle-I (NCTD) under  
ISBT, Flyover, Kashmere Gate,  
Delhi-110 006.
4. The Executive Engineer,  
P.W.D. III, D.A., ISBT, Flyover  
Kashmere Gate,  
Delhi-110 006.

5. The Executive Engineer,  
Division 15, P.W.D. (D.A.),  
Under I.S.B.T.  
Flyover, Kashmere Gate,  
Delhi-110 006.
6. The Executive Engineer,  
P.W.D. Division 25, (D.A.),  
1-A, Battery Lane, Rajpur Road,  
Delhi- 110 054.

-Respondents

(By Advocate: Shri George Pracken)

OA No. 1335/2002

1. Ram Niwas S/o Chiranji Lal,  
R/o Block C, 1521, Jahangirpuri,  
Delhi-110 033.
2. Hargyan Singh S/o Roop Chand  
R/o Vill. & P.O. Singhola, Delhi
3. Narain Singh Azad S/o Budh Ram,  
R/o Vill. & P.O. Basai, Gurgaon(H)
4. Duli Chand S/o Shri Budh Ram,  
R/o Vill. & P.O. Basai, Gurgaon(H)
5. Raghubir Singh S/o Chunni Ram,  
R/o T-604/4A-1, Gali No.4,  
Baljit Nagar, New Delhi.
6. Ram Kishan S/o Chhotu Ram,  
R/o 171-A, Krishna Vihar,  
Delhi-41.
7. Jagdish Narain Prasad  
S/o Balu Ram Prasad,  
R/o 328, Type-I, Gulabi Bagh,  
Delhi-7.
8. Ram Phal S/o Shri Sudhan,  
R/o Vill. Singhola, Delhi-40,  
P.O. Tikri Khurd, Delhi-110040.
9. Hori Lal S/o Shri Devi  
R/o 1788, Type II, Gulabi Bagh,  
Delhi.
10. Rakesh Dutt S/o Sadhu Ram Dutt  
R/o 698, Pocket I, Paschimपुरi,  
New Delhi-110063.
11. Brij Lal S/o Shri Makhan Lal,  
R/o A-29, Gali No.3, Khajoori Khas,  
Delhi-110 094.
12. Ram Kumar S/o Shri Ram Lal  
R/o C-153, New Sanjay Amar Colony,  
Mandir Gali, Biswas Nagar, Shahdara,  
Delhi.
13. Shri Kishan S/o Jai Lal  
R/o Vill. Hiran Kudna,  
P.O. Tikri Kalan,  
Delhi.

14. Bhopal Singh  
S/o Shri Devi Singh,  
R/o Quarter No.6, Enquiry Quarters,  
New Police Lines, Delhi.
15. Attar Singh S/o Nathu Singh,  
R/o 589, Sector 2, R.K. Puram,  
New Delhi.
16. Yozha Singh S/o Prithvi Singh,  
R/o 44, New Chauhanpuri,  
Karawal Nagar, Delhi-110 094.
17. Bansu Ram S/o Sukhai  
R/o A/18, Bhagat Singh Wali,  
Mandawali, Delhi-92.
18. Prem Singh S/o Shri Dhani Singh,  
R/o B-246, Shakoorpur J.J. Colony,  
Delhi-110034.
19. Devi Sharan S/o Shri Munshi Lal,  
R/o Purana Kasba, Bagh Path Mohalla,  
Mohalla Desh Raj, Distt. Baghpat(U.P.)
20. Brahm Dass S/o Prem Chand,  
R/o A-3/321, Poorvi Gokulpuri,  
Shahdara, Delhi-110 094.
21. Lachhi Ram S/o Shri Sher Singh,  
R/o 131-P, Sector 'A', Pushp Vihar,  
New Delhi.
22. Shri Bhagwan S/o Shri Dhani Ram  
R/o H.No. 7783/Shakti Nagar,  
Delhi-7.

-Applicants

(By Advocate: Shri R.K. Shukla)

**Versus**

Union of India through

1. The Secretary,  
Ministry of Urban Developments,  
Nirman Bhawan, New Delhi.
2. The Director General of CPWD,  
Nirman Bhawan, New Delhi.
3. The Superintending Engineer,  
PWD Circle-1(NCTD),  
Under I.S.B.T. Fly over,  
Kashmere Gate, Delhi-110006.
4. The Executive Engineer,  
PWD-III, D.A., I.S.B.T., Flyover,  
Kashmere Gate, Delhi-110006.
5. The Executive Engineer,  
Division-15/P.W.D. (D.A.),  
Under I.S.B.T. Flyover,  
Kashmere Gate, Delhi.

6. The Executive Engineer,  
P.W.D.-Div. 25, (DA),  
1-A, Battery Lane, Rajpur Road,  
Delhi-110054.

(By Advocate: Shri George Paracken)

...Respondents

OA No.664/2002

1. Chattar Singh S/o Shri Prem Sukh,  
Working as Plumber,  
R/o 166, Sector 5, M.B. Road,  
Pushp Vihar, New Delhi.
2. D.Prasanna S/o Sh. Mallikarjun Rao,  
Working as Plumber,  
R/o 587, Delhi Admn. Flat,  
Kalyan Vas, Delhi-91.
3. Dhanpat S/o Sh. Mange Ram,  
Working as Plumber,  
R/o Vill: Sewli, Post: Chakoli,  
Haryana.
4. Rajpal S/o Sh. S.Dhan Lal,  
Working as Plumber,  
R/o 44 Diz. Area,  
Gole Market, New Delhi.
5. Maan Singh S/o Sh. Kartar Singh,  
Working as Plumber,  
R/o 719, Timar Pur,  
Delhi-54.
6. Gaya Lal S/o Sh. Shiv Narayan,  
Working as Carpenter,  
R/o 117/8, Mouriya Gali,  
Sonia Vihar, Delhi.
7. Bhagwat Prasad S/o Sh. Durga Prashad,  
Working as Carpenter,  
R/o B-227/3, Ashok Nagar,  
Shahdara, Delhi.
8. Rishi Prakash S/o Sh. Dayanand,  
Working as Mason,  
R/o 43-A-1, Village Munirka,  
R.K.Puram, New Delhi.
9. Rajinder S/o Sh. Ramjit Singh,  
Working as Painter,  
R/o C-83, Friends Colony,  
Mundalka Colony, New Delhi.
10. Kalu S/o Sh. Tika Ram,  
Working as Carpenter,  
R/o 23/A, Shanti Nagar,  
Nirmal Kunj, Loni, Ghaziabad, UP.

(By Advocate: Shri R.K.Shukla)

...Applicants

Versus

Union of India Through:

1. The Secretary, Ministry of Urban Development,  
Nirman Bhawan, New Delhi.
2. The Director General of C.P.W.D., Nirman Bhawan,  
New Delhi.

3. The Superintending Engineer, Co-Ordination (Elect.),  
C.P.W.D. East Block, R.K. Puram, New Delhi.
4. The Superintending Engineer (D.C.C.9) C.P.W.D., I.P.  
Bhawan, New Delhi.
5. The Executive Engineer (A) Division,  
I.P. Bhawan, New Delhi.

..Respondents

(By Advocate: Shri Rajeev Bansal proxy counsel of  
Shri B.K. Aggarwal)

ORDER (Oral)

Shri Justice V.S. Aggarwal:

By this common order, the aforesaid OAs can conveniently be disposed of together because they involve common controversy. The grievances of the applicants are:

- a) The trade test is not being held and
- b) The benefit of the scale that has been granted to the applicants is being with-held without giving a show cause notice to the applicants.

2. During the course of submissions, it has been conceded that the trade test is now slated for 23.9.2002 and applicants shall take the trade test. As regards the withdrawal of the benefit of the scale, needless to point out that once the order has civil consequences, the benefit could not be withdrawn without adhering to the principles of natural justice. A show cause notice must be issued to the applicants and after their reply, if any is received within the stipulated time, an appropriate order can be passed.

3. On the face of the aforesaid, the above said OAs are disposed of by holding that so far as the grievance with regard to with-holding of trade test is concerned, it has become redundant because it is being held on 23.9.2002 and applicants will be considered, if they are found eligible. As regards withdrawal of the benefit of the pay scale, it is directed before withdrawal of the same, a notice should be issued to the applicants and after considering their reply, if any, an appropriate order in accordance with law be passed.

(V.K. Majotra)  
Member (A)

(V.S. Aggarwal)  
Chairman

*Attested*  
*V.S. Aggarwal*  
*Chairman*

cc.