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Central Administrative Tribunal, Principal Bench

Original Application No.1508 of 2002

M.A.No.1220/2002

New Delhi, this the 4th day of June, 2002

Hon'ble Mr. Justice Ashok Agarwal, Chairman  
Hon'ble Mr. S.A.T. Rizvi, Member (A)

1. Nathu Lal  
S/o Shri A.S. Gupta,  
R/o C-30, Millennium Apartment  
Sector-18, Rohini,  
Delhi
2. N.S. Kaushik  
S/o Shri Hazari Lal  
R/o 67/2C, Kali Badi Marg,  
New Delhi
3. Ram Prakash  
S/o Shri Vidya Ram  
R/o A-14, Ganesh Nagar Complex,  
Pandav Nagar,  
Delhi-92

.... Applicants

(By Advocate: Shri Naresh Kaushik)

Versus

1. Union of India, through  
its Secretary  
Ministry of Urban Development  
Nirman Bhawan, New Delhi
  2. CPWD through its DG(W)  
Nirman Bhawan, New Delhi
  3. Directorate of Administration  
Nirman Bhawan, New Delhi
  4. A.K. Sethi
  5. Arbindu Kumar Singh
  6. D.P. Jindal
  7. Shri Ram Sahu
  8. Rakesh Kumar
  9. Kakulavarapu Krishna Kishore
  10. Sabodh Kumar Singh
  11. Sanjay Madaan
  12. Hansa Dutt
  13. Krishan Mohan Kansal
  14. Amit Kumar Jain
  15. Pardeep Verma
  16. Muneshwar Tyagi
  17. Kailash Chander Taneja
  18. Yashwant Singh Bist
  19. S. Ravi
  20. A.K. Pandey
  21. M.K. Jain
  22. Bikas Chandra
  23. Rajesh Taneja
  24. Sukhmal Chand Jain
  25. Pankaj Kumar Shukla
  26. N.K. Srivastava
- dr

27. Dharmendra Kumar Shukla
28. Konindala Jagadeesh
29. J.P. Singh
30. A.K. Sharma
31. Ashok Kumar
32. R.S. Sharma
33. Sunil Kumar Agarwal
34. Emtiazur Rahman
35. A.K. Pandey
36. B.K. Jain
37. Vijay Kumar Dubey
38. S.K. Rai
39. R.S. Misra
40. Medicherla S.N.L. Sreenivas
41. Akbal Singh
42. Balbir Singh
43. Pellakuru Ravi Prasad
44. Narsi Ram Singhmar
45. Animesh Mallick
46. Ashok Kumar
47. Mahendra Choudhary
48. Rajesh Kumar
49. Pallab Kumar Sinha
50. Kamal Ram Meena
51. Shashi Pal Singh
52. Mahale Sanjiv Ravindranath
53. Lokendra Singh
54. Devpal Singh
55. Shamshad Khan
56. Laxman Murmu
57. Sandesh Srivastava
58. Muthyala Ramesh
59. Surinder Kumar
60. Vijay Raje
61. M.D. Shafi Ahmad
62. K.K. Jain
63. K. Krishna Kailas
64. Brajendra Narayan Singh
65. Manoj Kumar Singh
66. Mahesh Kumar
67. Jaswinder Pal
68. Ramsewak Rawat

(Respondents 4 to 68 all C/o  
Director General of Works,  
C.P.W.D., Nirman Bhavan,  
New Delhi).

- Respondents

O R D E R (ORAL)

By Hon'ble Mr. S.A.T. Rizvi, Member (A)

M.A.1220/2002 for joining together in a single  
OA, is allowed.

2. 135 posts of AEs have been created in  
September, 2001 (page 64 of the paper book) as a result of

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the Second Cadre Review carried out by the respondents.

All these posts, according to the learned counsel appearing on behalf of the applicants, all JEs, are to be filled by following the criterion of seniority-cum-fitness in accordance with the relevant recruitment rules (Annexure A-2). None of these posts is to be filled by promoting JEs through departmental examination. In support of the applicants' claim that all these 135 posts belong to the aforesaid quota, the learned counsel has drawn our attention to the statement made in the Ministry of Urban Development and Poverty Alleviation noting at page 61 of the paper book wherein it has been stated that "since the examination quota have already been filled up, the posts of 135 AE(C) are to be filled through promotion \_\_\_\_\_." Despite the aforesaid position, the respondents have conducted a Limited Departmental Competitive Examination (in short 'LDCE') and have filled as many as 65 posts of AEs by way of promotion through the aforesaid examination. The relevant order is dated 1.2.2002 (Annexure A-1). The learned counsel submits that the promotions aforesaid have been made against the aforesaid 135 posts meant exclusively for being filled by promotion by following the criterion of seniority-cum-fitness. Hence the grievance. Against the aforesaid impugned order, no representations have been filed by the applicants.

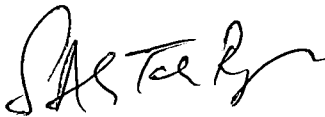
3. The applicants are further aggrieved by a fresh notice dated 3.5.2002 issued by the respondents to fill up 58 posts of AEs in 2000-2001 and 73 posts of AEs in 2001-2002 through the LDCE. The contention raised by the

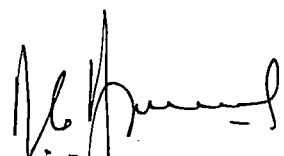
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learned counsel is that even these posts are likely <sup>to be the</sup> ~~the~~ <sup>vacated or</sup> posts to be vacated on retirement by those who had earlier been promoted on the basis of seniority-cum-fitness criterion. Thus the filling <sup>up</sup> of <sup>the</sup> aforesaid posts by the LDCE will further adversely affect the rights of the applicants to get promoted to the post of AE under the seniority quota. Against this grievance also, no representations have been filed by the applicants.

4. Having regard to the submissions made by the learned counsel, we find it just and proper to dispose of the present OA at this very stage without issuing notices with a direction to the respondents to consider the present OA as a representation filed on behalf of the applicants and to pass a reasoned order in the matter expeditiously and in any event within a period of one month from the date of receipt of a copy of this order. We direct accordingly. O.A. is disposed of in the aforestated terms.

Issue DASTI.

  
( S.A.T. Rizvi )  
Member (A)

  
( Ashok Agarwal )  
Chairman

/dkm/