

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

-2-

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. Muthyalu 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

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

DAV

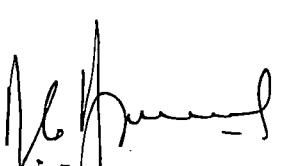
learned counsel is that even these posts are likely ~~to be the~~
~~vacated or~~
posts to be vacated on retirement by those who had earlier
been promoted on the basis of seniority-cum-fitness
criterion. Thus the filling ^{up} of aforesaid posts by the LDCE
will further adversely affect the rights of 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 aforesated terms.

Issue DASTI.


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

/dkm/


(Ashok Agarwal)
Chairman