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Central Administrative Tribunal, Principal Bench

Original Application No. 990 of 2002

New Delhi, this the 16th day of April, 2002

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

Mrs. Suhasini Janeja
B-92, Pandara Park
New Delhi

- Applicant

(By Advocate: Ms. Tamali Wad)

Versus

1. Union of India
Through Secretary
Ministry of Urban Development and
Poverty Alleviation
Shastri Bhawan,
New Delhi
2. CPWD
Through Director General (Works)
Nirman Bhawan
New Delhi
3. Ministry of Finance
Department of Expenditure
Through Secretary
Lok Kalyan Bhawan
New Delhi
4. Ministry of Personnel,
P.G. & Pensions,
Through Secretary, Deptt.
Of Personnel & Training
Shastri Bhawan, New Delhi.

- Respondents

O R D E R (ORAL)

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

The applicant, an Architect in C.P.W.D., is an aspirant for promotion to the post of Senior Architect. Presently she stands at No.3 in the seniority list of Architects. She can be considered for promotion only if the Ministry undertakes to implement the report of the SIU submitted in 1993. The said report contained a proposal for creation of 3 additional posts of Sr. Architects (page 27 of the paper book). The aforesaid report of the SIU has not been implemented so far though the same has been accepted by the respondent ministry. From the material placed on record, it appears to us that there has been significant internal pressure within the respondents'

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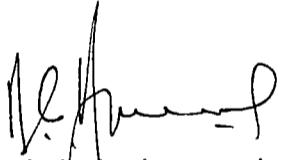
organisation to implement the SIU's report, particularly in the Architectural Wing of the CPWD. This is evident from the CPWD's letter dated 21.3.2001 placed at page 33 of the paper book. The letter dated 16.10.95 placed at page 26 of the paper book has also been written in the same spirit. Besides, on 7.1.2002, the Director (Finance) in the respondent ministry issued an office memorandum again emphasising the need for prompt implementation of the SIU's report in relation to the Architectural Wing of the CPWD. It has been pointed out therein that normally the SIU's report is required to be implemented within a period of three months. The aforesaid letter also emphasises that inordinate delay has already taken place in the implementation of the SIU's report. Despite these internal pressures, the system has not worked and the report of the SIU is yet to be implemented fully in relation to the Architectural Wing of the CPWD. In result, the applicant could not be considered for promotion to the post of Senior Architect and is now set to retire from service on 30.4.2002. We have noted with deep concern that in implementing the SIU's report in respect of CPWD as a whole, there is some evidence of discrimination in-as-much as while the said report has been implemented in respect of the Works Division, in the Training Division and the other Divisions of the CPWD, the same remains to be implemented only in the Architectural Division to which the applicant belongs.

2. Having regard to the submissions made by the learned counsel appearing on behalf of the applicant and

the aforesated facts and circumstances, we feel inclined to dispose of the present OA at this very stage with a direction to the respondents to consider giving effect to the SIU's report in relation to the creation of posts of Senior Architect expeditiously and in the event of posts of Senior Architect being created before 30.4.2002, the applicant's claim for promotion to one such post will be considered in accordance with the relevant rules. It goes without saying that the applicant's claim will be considered also if the respondents create the posts of Senior Architect from the date such posts should have been created to give effect to the SIU's report in a timely fashion. We direct accordingly.

3. O.A. stands disposed of in the aforesated terms.


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


(Ashok Agarwal)
Chairman

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