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Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No. 1745/2001

New Delhi this the 18th day of July, 2001

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. V.K. Majotra, Member (A)

1. All India CPWD (MRM) Karamchari
Sangathan (Regd.), through its President,
Shri Satish Kumar, 34-D, D.I.Z. Area,
Sector 4, Raja Bazar,
New Delhi-110001
2. Shri Maan Singh Meena,
S/o Shri Ramdhan Meena,
Beldar,
C/o All India CPWD (MRM) Karamchari
Sangathan (Regd.), 34-D, DIZ Area,
Sector 4, Raja Bazar,
New Delhi-110001

-Applicants

(By Advocate: Shri Naresh Kaushik)

Versus

1. Union of India
through Director General (Works)
Central Public Works Department,
Nirman Bhawan,
New Delhi.
2. Director (Administration),
CPWD, Nirman Bhawan,
New Delhi 110011.
3. Superintending Engineer,
Coordination Circle (Civil),
CPWD, I.P. Bhawan,
New Delhi-110002.

-Respondents

ORDER (Oral)

By Mr. V.K. Majotra, Member (A)

Heard the learned counsel of the applicants.

2. This OA has been filed seeking similar relief of conducting the trade test for recruitment of Work Assistant under 25% direct quota in respect of other SC, ST and OBC candidates as has been done in case of two candidates on account of judgment dated 1.3.2000 of this Tribunal in

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OA-1825/96 and also seeking to conduct similar special trade test in respect of one ST vacant post against which one candidate applicant No.2 Shri Maan Singh Meena is available. The aforestated OA 1825/96 was disposed of in the following terms:-

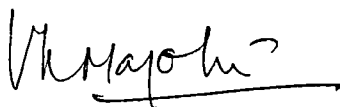
"Applicant No.1 who was present in the Court was heard and the record in the file was examined. We find from the circular dated 13.5.1993 regarding filling up of vacant posts of Work Assistant under the direct recruitment quota that the decision regarding reservation of vacancies to be filled by SC, ST and OBC has not been incorporated therein. In such an event definitely the respondents would not have kept in view, the roster points to be filled up as per select list. The respondents have admitted this and conveyed that they would have kept the roster points in view at the time of offering appointments in the select list. We find from the select list dated 10.11.1995 that there are a few candidates belonging to the SC, ST and OBC. We are of the view at this list has been prepared without keeping the instructions and standards about reservation in view. We are with the applicants that if the instructions for reservations had been kept in view the complexion of selection would have been substantially different than what it is at present. In any case, the ends of justice would be met if in the instant case, the respondents hold a review trade test/interview of the present applicants to assess their suitability for the post of Work Assistant under direct recruitment quota without disturbing the present select list and if these applicants are found to be suitable for these posts, they would be accommodated as Work Assistant as and when vacancies arise and as per the roster points.

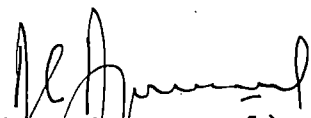
The OA is accordingly disposed of in the above terms. No costs".

3. It is alleged that vide office Memorandum dated 13.4.2001 (Annexure-2), the respondents decided to hold the trade test only for the applicants of OA-1825/96. The All India Central P.W.D (MRM) Karamchari Sangathan made representations dated 8.5.2001 and 13.6.2001 (Annexure A-4 & A-5 respectively) requesting that the trade test being
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held on 9.5.2001 for applicants in the earlier OA be held in abeyance and all the candidates belonging to SC/ST/OBC categories be allowed to make their applications for trade test to the post of Work Assistant. Through Annexure-5, it was requested that case of applicant No.2, herein, be considered as one vacancy of ST candidate is still vacant. The respondents are stated not to have taken any action on the aforesaid representations. Placing reliance on Ajay Jadav Vs. Government of Goa and others 2000 (1) SLJ 223 wherein it was held that similarly placed personnel cannot be treated differently, our considered view is that respondents would be well advised to extend the benefit of judgment of Courts and Tribunal which have become final to all employees similarly placed and not drive each one of them to seek redressal of their grievance before the Tribunal.

4. Having said that in our view it will be just and proper even without issuing a notice on the present OA to direct the respondents to decide the representations dated 8.5.2001 and 13.6.2001 (Annexure A-4 & A-5 respectively) of the applicants by a detailed reasoned and speaking order within a period of one month from communication of this order. *we direct accordingly.*
No costs.


(V.K. Majotra)
Member (A)


(Ashok Agarwal)
Chairman

cc.