

Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No.2192/2001

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New Delhi this the 21st day of February, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)
Hon'ble Shri Govindan S. Tampi, Member (A)

G.K. Jindal
142, Ramakrishna Vihar
Patparganj,
Delhi-110092

-Applicant

(By Advocate: Shri G.K. Aggarwal)

Versus

1. Union of India through Secretary
Ministry of Urban Development &
Poverty Alleviation,
Nirman Bhawan, New Delhi-110011.

2. The Director General (Works)
Central Public Works Department
Nirman Bhawan, New Delhi-110011

3. The Addl. Director General (Training), CPWD
E-Wing, Nirman Bhawan, New Delhi-110011

-Respondents

(By Advocate: Shri Inderjeet Singh, proxy for
Shri Rajinder Nischal)

ORDER (Oral)

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)

Both learned counsel heard.

2. This application has been filed by the applicant who states that he is aggrieved by the respondents not considering his case for regular promotion to the next higher grade of Assistant Engineer (Civil) through the Limited Departmental Competitive Examination (LDCE) held on 21.2.1999, the result of which was declared on 16.2.2001 and promotions were first made vide their orders dated 16.2.2001 and 4.4.2001.

3. At the time when the OA was filed on 27.8.2001,

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the applicant had alleged, inter alia, that he had not been promoted and some persons above him in order of merit had been promoted who were not so entitled. He had, therefore, prayed that he should be considered for regular promotion as AE(Civil) from due date i.e. 1996-97 vacancies and for arrears of pay on the promoted post w.e.f. 4.4.2001.

4. We have seen the reply filed by the respondents and heard Shri Inderjit Singh learned proxy counsel for respondents. Learned proxy counsel submits that in the reply filed by the respondents on 27.11.2001, it had been stated that the vacancies arising in 1996-97 as a result of two persons namely, S/Shri Ramesh Kumar and Jitender, having left the Department, were to be filled up by other candidates namely, S/Shri H.K. Sinha and R.K. Jain. Learned proxy counsel for respondents has now submitted that in addition to the earlier vacancies for the year 1996-97, one more vacancy had arisen for the year 1997-98 in respect of one Shri A.K. Sharma who has since been absorbed in another Department and as a result the vacancy has arisen for that year i.e. 1997-98. In the circumstances, learned proxy counsel has fairly submitted that the respondents are now willing to consider the case of the applicant for promotion to the post of AE(Civil) for the year 1996-97 based on the result of the LDCE held on 21.2.99.

5. Shri G.K. Aggarwal, learned counsel has submitted that in the light of the submissions made by the learned proxy counsel for respondents, he is satisfied if

this consideration is done within four weeks.

6. Noting the above facts and submissions of the learned counsel for parties, the OA is disposed of with the following directions:-

The respondents to take an appropriate decision in the matter of promotion of the applicant to the post of Assistant Engineer (Civil) based on the result of the LDCE held on 21.2.99 for the vacancy arising in the year 1996-97. They shall pass appropriate orders with regard to his promotion and consequential payments in accordance with the relevant provisions of law, rules and instructions within one month of receiving a copy of this order.

No order as to costs.

(Govindan S. Tampi)
Member (A)

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Vice-Chairman (J)