

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No. 3071/2001
MA No. 2491/2001

New Delhi, this the 9th day of the November 2001

HON'BLE MR. S.A.T. RIZVI, MEMBER (A)
HON'BLE MR. SHANKER RAJU, MEMBER (J)

1. Shri Harish Chander S/o Shri Ram Jawan Lal
2. Shri K.R.Bhandari S/o Shri Umrao Singh
3. Shri Ram Kripal S/o Shri Manni Lal
4. Shri Rajesh Kumar S/o Shri Vishwanath Prasad
5. Shri Rameshwar Prasad S/o Shri Chhangal Lal
6. Shri Gurdial Singh S/o Shri Punnu Ram
7. Shri M.R. Chopra S/o Shri Ami Chand
8. Shri Umed Singh Gauri S/o Shri Jagga Ram
9. Shri Jai Singh S/o Shri Nanka Singh
10. Shri Om Prakash S/o Shri Mool Chand
11. Shri Vijay Pal S/o Shri Faggan Lal
12. Shri Mool Chand S/o Shri Sukha Ram

All permanent Assistant Engineer (Civil) SC Diploma Holders working under the Directorate General of Works, Central Public Works Deptt., Nirman Bhawan, New Delhi, under the Ministry of Urban Development and Poverty Alleviation, Govt. of India, Nirman Bhawan, New Delhi.

... Applicants

(By Advocates: Shri R.P. Shahi and Shri H.C. Premi)

V E R S U S

1. Union of India through its Secretary to the Govt. of India, Ministry of Urban Development and Poverty Alleviation, Nirman Bhawan, New Delhi.
2. The Director General of Works Central Public Works Department Nirman Bhawan, New Delhi.
3. Union of India through Secretary to Union of India, Ministry of Personnel, Public Grievances & Pension, North Block, New Delhi.

4. The Secretary, U.P.S.C.,
Dholpur House, Shahjahan Road,
New Delhi.

... Respondents

ORDER (ORAL)

By S.A.T. Rizvi, Member (A):

Heard Shri R.P. Shahi, learned counsel for the applicants

2. MA No.2491/2001 for joining together is allowed.

3. Applicants, 12 in number, all members of the SC community and diploma holders in Civil Engineering apprehend that their performance is not likely to be fairly and objectively assessed by the three Member Committee formed by the respondents by their OM dated 5.3.2001 (Annexure A-1), in accordance with the requirement of diluted standards to be adopted in the case of SC/ST candidates. According to the learned counsel appearing on their behalf, the proceedings of the aforesaid three Member Committee will be placed in some form or the other before a regular DPC, which is likely to be held in the near future. To the extent the aforesaid three Member Committee is not able to do justice to their cause, the injustice will be carried to the DPC and accordingly the applicants may eventually fail to get justice in the matter of their promotion to the post of Executive Engineer (Civil). Apprehending injustice in the manner set out above, the applicants have filed a representation in the matter on 4.10.2001 (Annexure A)

(A)

A-6) through the All India C.P.W.D. SC/ST Association. No response to the aforesaid representation has become available from any respondents.

4. We have considered the statement made by the learned counsel and find that the present OA cannot be sustained in its present form as it is based on certain apprehension entertained by the applicants rightly or wrongly, that the diluted standards of evaluation to which they are entitled will not be followed by the aforesaid three Member Committee. Admittedly no order affecting their right has yet been passed. In the circumstances, the present OA is dismissed in limine.

5. However, having regard to the requirements of justice, we find it just and proper to express our sincere hope that the apprehension expressed by the applicants in the present case will be duly taken into account by the respondents at the time of consideration of their claims in a DPC meeting to be held in future. In particular, the respondents may try to ensure, and it is our hope that they will do so, that the aforesaid three Member Committee has carried out a fair and just assessment of the performance of the applicants in accordance with the diluted standards of evaluation for promotion to the post of Executive Engineer (Civil). Issue DASTI.



(Shanker Raju)
Member (J)

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(S.A.T. Rizvi)
MEMBER (A)