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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.1841/99

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Shri Govindan S. Tampi, Member(A)

New Delhi, this the 25th day of October, 2000

1. All India CPWD (MRM) Karamchari Sangathan (Regd.)
through its President,
Shri Satish Kumar
34-D, I.Z.Area, Sector 4
Raja Bazar
New Delhi - 110 001.
 2. Uttam Chand (OBC)
s/o Sh. Shankar Dass
 3. Liyakat Ali (OBC)
s/o Sh. Ahmed Ali
 4. Om Parkash Pandey
s/o Sh. Baij Nath Pandey
 5. Om Parkash (SC)
s/o Sh. Shyam Singh
 6. Kanji Ram (OBC)
s/o Sh. Nanak Chand
 7. Om Parkash (OBC)
s/o Mehar Chand
 8. Ramesh Chand (OBC)
 9. Barkhu Ram (SC)
s/o Sh. MagganRam
 10. Jai Ram Prasad (OBC)
c/o the President
All India CPWD (MRM)
Karamchari Sangathan (Regd.)
34-D, D.I.Z. Area, Sector 4
Raja Bazar
New Delhi - 110 001.
- .. Applicants

(By Shri Naresh Kaushik, Advocate)

Vs.

1. Union of India through
its Secretary
Ministry of Urban Development
Nirman Bhawan
New Delhi - 110 011.
 2. The Director General of Works
C.P.W.D., Nirman Bhawan
New Delhi - 11.
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3. The Superintending Engineer
Coordination Circle (Civil)
CPWD, I.P. Bhawan
New Delhi - 110 002.

.. Respondents

(By Shri Rajiv Bansal, Advocate)

O R D E R (Oral)

Justice V. Rajagopala Reddy:

The only grievance of the applicants in this case is that though the applicants have been selected after trade test for recruitment against 25% quota (direct recruitment) to the posts of Work Assistant in CPWD during 1995, they have not yet been appointed as such inspite of availability of vacancies. It is no doubt trite law that mere selection will not confer any right for appointment. But if there are vacancies, they should be filled up by the competent authority. An attempt has been made by the learned counsel for the applicant, Shri Naresh Kaushik to show that several vacancies against the direct recruitment quota are available. The learned counsel brings to our attention the proceedings dated 13.9.99 to show that there were 73 vacancies of work assistants as on 29.8.1983 and at present there are 15 vacancies for filling up against by direct recruitment. The learned counsel for the respondents Shri Rajiv Bansal, submits that at present there are no vacancies and all the vacancies available were filled up in 1995 itself under 25% quota. As and when the vacancies arise the applicant's case would be considered along with the other candidates who are empanelled for appointment. It is also submitted as there is a ban for appointment for direct recruitment no posts of Work Assistant could be filled up against the direct recruitment quota.

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2. We have given careful consideration to the contentions raised by the counsel on either side. As per the recruitment rules, the posts of Works Assistant have to be filled up 25% by way of direct recruitment and 75% by departmental candidates. The applicants seeks appointment against the direct recruitment quota. As per the OM dated 10.11.1995 19 persons have been qualified/trade tested and interviewed for appointment to the post of Work Assistant under direct recruitment quota during March/April, 1995. Out of the 19, the applicants' names (except one) are shown at Sl. No.9, 12, 13, 15 to 19. The Applicant, Uttam Chand, OBC was also empanelled during the same year along with others. Out of these 20, applicants No.1, 2, 8 and 10 have been appointed. ~~AM~~ The remaining empanelled candidates have not been appointed so far. The proceedings dated 13.7.1999, shows that 73 vacancies that were found available as on 28.9.1983 in all the regions whereas the applicant belong to Region 'A', Delhi. As regards the present position, there were 15 posts available against 25% quota as on 10.11.1995 since out of 19, four posts have already been filled up. The latest position ^{is} ~~as~~ shown in the proceedings dated 5.7.2000 of the Superintending Engineer. As on that date there were 12 vacancies of Work Assistants under the quota. But it was stated therein that the posts could not be filled up because of 10% cut. The learned counsel for the applicant, however, submits that there are still several vacancies that are available and they are not accounted for. They are not filled up according to the recruitment rules. But

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it is seen from the proceedings dated 5.12.2000 that several posts have not been taken into account since long and unless they were revived the question of filling up of the vacancies does not arise. In view of the explanation filling up of the posts cannot be insisted upon unless they are revived. As regards the 12 vacancies the respondents are obligated to fill up from the empanelled candidates, subject ~~to~~ to the lifting of the ban, if there is one. The alleged cut of 10% posts cannot be accepted as it is brought out clearly that the alleged cut cannot be insisted upon against 25% quota.

3. In view of the foregoing, we direct the respondents to fill up the 12 vacancies of Work Assistants under the 25% direct recruitment quota in accordance with the merit of the empanelled candidates, subject to lifting of the ban, if there is one, ~~panel~~ within three months from the date of receipt of a copy of this order. The OA is accordingly disposed of. No costs.

(GOVINDAN S. TAMPI)
MEMBER(A)

(V. RAJAGOPALA REDDY)
VICE CHAIRMAN(J)

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