

15

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O. A. NO. 1968/1999

New Delhi this the 13th day of February, 2001.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI S.A.T.RIZVI, MEMBER (A)

1. Central Engineering Services Class I
(DR) Association
Rep. by its Addl. Secy
101, South Wing Sewa Bhawan
R.K. Puram
New Delhi-66.
2. Umesh Bansal
S/o Shri J.P. Bansal
K-1, Indraprastha Apartments
Patparganj, Delhi.
3. Ashwani Kumar
S/o Late Shri Shiv Charan Sharma
410-A, Sector 8, R.K. Puram
New Delhi.
4. Sunil Sharma
S/o Shri J.K. Sharma
30 East Laxmi Market
Delhi-110 092.
5. P.K. Dixit
S/o Shri Har Swaroop Sharma
H. No. 424, Patel Nagar
New Mandi
Muzaffar Nagar
6. Mohammed Sagheer
S/o Shri M.K. Usman
C/o V.P. Joseph
376-C, Pocket-II
Mayur Vihar Phase I
New Delhi.

....Applicants

(By Advocate Shri K.B.S.Rajan)

-versus-

1. Union of India through
the Secretary
Urban Affairs & Employment
Nirman Bhavan, New Delhi-110 001.
2. The Director General & Works
CPWD, Nirman Bhawan
New Delhi.
3. The Secretary
Department of Personnel & Training
New Delhi-110001.



(16)

4. The Chairman
U.P.S.C.
Dholpur House
Shahjahan Road
New Delhi-110011.

5. Shri B.M. Singhal
S/o late Shri Jyoti Prashad
R/o C-11/158, Yamuna Vihar
Delhi

6. Shri S.K. Jain
S/o Shri S.L.Jain
R/o 4/1712 Mittal Sadan
Bhola Nath Nagar
New Delhi. Respondents

(Shri S.M.Arif, Advocate for Respondents
1 to 4 and Shri Sohan Lal, Advocate
for respondents 5 & 6)

O R D E R (ORAL)

Justice Ashok Agarwal:-

MA No.1913/1999 for joining together in one OA
is granted.

2. By the present OA, applicants impugn a
Notification dated 6.7.1999 issued in exercise of the
powers conferred by Rule 21 of the 1954 Rules whereby
the respondents have diverted 430 posts falling under
the Assistant Executive Engineers quota to the
Assistant Engineers quota to be filled in under the
aforesaid Rules. A challenge similar to the one
raised in the present OA was also raised before the
Chandigarh Bench of this Tribunal in OA
No.935/CH/1999, Anand Singh Bisht & ors. v. Union of
India and others, decided on 11.12.2000 and before the
Principal Bench in OA No. 2134/1999, V.K. Jain v.
Union of India & ors. decided on 6.1.2000. In both
the aforesaid orders, the challenge was repelled and
the OAs had been dismissed. We have perused the

W.B.

aforesaid judgements rendered both by the Chandigarh Bench as also by the Principal Bench. We find that the present OA is covered by the aforesaid decisions. *which are binding upon us.* The decision of the Principal Bench in the case of V.K. Jain (supra), we are informed, has been carried to the High Court and the same is pending consideration.

3. Present OA is accordingly dismissed.

4. In view of the dismissal of the OA, MA No. 2208/1999 is also disposed of. No costs.

S.A.T. Rizvi

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

Ashok Agarwal

(Ashok Agarwal) -
Chairman

/sns/