

Central Administrative Tribunal  
Principal Bench

O.A. No. 913 of 1999

New Delhi, dated this the 10<sup>th</sup> May, 2000

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE MR. KULDIP SINGH, MEMBER (J)

S/Shri

1. Meghraj Singh Rawat
2. Sanjay Vats
3. Nawal Kishore Joshi
4. Surender Singh
5. Shyam Sunder
6. D.K. Srivastava
7. Ramesh Chandra  
All C/o Delhi Pollution Control Committee  
4th Floor, ISBT Building,  
Kashmiri Gate, Delhi-110006. .. Applicants

(Shri Meghraj Singh Rawat, applicant in person)

Versus

1. Chairman,  
Delhi Pollution Control Committee,  
4th Floor, ISBT Building,  
Kashmiri Gate, Delhi-110006.
2. Member Secretary,  
Delhi Pollution Control Committee.
3. Shri Anwar Ali Khan,  
Asst. Environmental Engineer,  
Dept. of Environment,  
Delhi Pollution Control Committee.
4. Shri S.K. Srivastava
5. Ms. Seema
6. Shri Satyendra Kumar  
R-4 to 6 C/o Delhi Pollution Control  
Committee
7. Central Pollution Control Board,  
Parivesh Bhawan, East Arjun Nagar,  
Shahdara,  
Delhi-110032. .. Respondents

(By Advocate: Mrs. Meera Chhibber

Mr. Romesh Gautam for R-3 to 6)

ORDER

MR. S. R. ADIGE, VC (A)

Applicants challenge the selections made by Respondents for the post of Assistant Environmental Engineers advertised vide advertisement dated 31.7.97 (Annexure P-3).

2. Heard both sides.

3. As per Recruitment Rules notified on 30.8.94 (Annexure P-2) the posts of Assistant Environmental Engineer are to be filled 50% by promotion failing which by Direct Recruitment. In case of recruitment by promotion, the Junior Environmental Engineers with five years regular service in the grade are eligible.

4. It is not denied that the date of appointment of applicants as JEEs is April, 1993 vide order dated 3.6.94 (Annexure P-1).

5. Under the circumstances it is clear that as per the Recruitment Rules applicants were not eligible for promotion as Assistant Environmental Engineers, on the last date prescribed in the advertisement for receipt of applications i.e. 18.8.97 hence they can have no legitimate grievance if respondents resorted to the Direct Recruit under the "failing which" provision.

6. Applicants have relied upon the Hon'ble Supreme Court's ruling in J.C. Patnaik & Ors. Vs. State of Orisa & Ors. 1998 III AD(SC) 702 but that ruling relates to the Orissa Service of Engineers Rules, 1941 and has no application to the facts and

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circumstances of this particular case.

7. The OA therefore warrants no interference and is dismissed. No costs.

*[Signature]*  
( KULDIP SINGH )  
MEMBER (J)

*[Signature]*  
(S.R. ADIGE)  
VICE CHAIRMAN (A)

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