

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.1825/1996

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New Delhi this the 1st day of March, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI V. K. MAJOTRA, MEMBER (A)

1. Bhoop Singh
S/o Shri Fateh Singh
R/o Village Ismaila-11B
District Rohtak
Haryana.
2. Nand Lal
S/o Shri Kanwal Singh
R/o E-160. East Babarpur
Ambedkar Park
Shahadra, Delhi-110 032.
3. C.P.W.D. Mazdoor Union
Shri B.K.Prasad
through its General Secretary
E-26 (Old Qrts), kRaja Bazar
Baba Kharak Singh Marg
New Delhi-110 011.

... Applicants

(Applicant No.1 present in person)

vs.

1. Union of India
through Director General (Works)
Central Public Works Department
Nirman Bhawan, New Delhi.
2. Director (Administration)
CPWD, Nirman Bhawan,
New Delhi-11.
3. Superintending Engineer
Coordination Circle (Civil)
CPWD, I.P.Bhawan
New Delhi-110002.

... Respondents

(None for the respondents)

O R D E R (ORAL)

Shri V.K.Majotra :-

Applicant No.1 is present in person.

Respondents and their Advocates are absent. We have

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perused the record and we proceed to dispose of the OA in terms of Rule 15 of the Central Administrative Tribunal (Procedure) Rules, 1987.

2. The respondents initiated process for direct recruitment of Work Assistant vide Circular dated 13.5.1993, Annexure A from amongst muster roll workers of all categories and workers under the workcharged categories in the CPWD. Applicants among others were interviewed/tested for selection. However, they were not selected and a select list of 20 candidates was prepared by a committee. The grievance of the applicants is that the circular inviting applications for direct recruitment to the post of Work Assistant did not set out reservation of vacancies for SC, ST and OBC categories. Thus they have been discriminated against and the entire selection process has been vitiated. Their representation has not been responded to positively. The applicants have sought quashing of the list of selected candidates as per Office Memo. dated 10.11.1995, Annexure-E and also a direction to the respondents to make de novo direct recruitment after reserving vacancies for SC, ST and OBC categories.

3. The respondents have stated in their written statement that after obtaining approval of the Ministry of Urban Affairs & Employment, they had invited applications from eligible workers of different categories for extending benefits to eligible workers under regular charge establishment to

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be considered along with M/R & W/C staff by competing examination against 25% direct quota of Work Assistant. Thus through the trade test in the year 1994 of 191 eligible candidates who appeared in the examination/interview held on 7.3.1995 and 15.3.1995, a merit list of 20 candidates was finalised and circulated on 10.11.1995. The respondents have admitted that inter-departmental advertisement was issued for the benefit of eligible workers. A meeting was held by the DG(W), CPWD on 4.10.1995 with the CPWD Mazdoor Union regarding recruitment to the post of Work Assistant. A decision was taken in the meeting that the procedural discrepancy of non reservation in the direct recruitment of Work Assistant would be taken care of once the relaxed standard for OBC is adopted as per Government circular. It was also clarified that passing of trade test does not entitle a candidate for any right of appointment to a post. For appointment, the relevant recruitment rules as applicable shall be followed along with the applicable roster for reserved categories. The action for reservation for OBC shall be taken while making appointments as per rules. Some affected workmen approached Central Administrative Tribunal through OA No.808/96-Shravan Kumar & ors. vs. Union of India & ors. for filling up the vacancies as per the select list expeditiously. By the order dated 23.7.1996 (Annexure R-VII), the Tribunal directed the respondents to fill up the vacancies and to take further action on the list of selected candidates including the applicants of that OA and to offer

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appointments to them subject to availability of vacancies and their being suitable for such appointments. The respondents have also pointed out that the applicants could not pass the trade test held on 7.3.1995, 15.3.1995 and 5.7.1995 and, therefore, they have no right for appointment in the next grade.

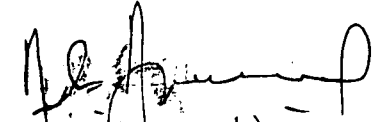
4. Applicant No.1 who was present in the court was heard and the record in the file was examined. We find from the circular dated 13.5.1993 regarding filling up of vacant posts of Work Assistant under the direct recruitment quota that the decision regarding reservation of vacancies to be filled by SC, ST and OBC has not been incorporated therein. In such an event definitely the respondents would not have kept in view the roster points to be filled up as per instructions about reservation while finalising the select list. The respondents have admitted this and conveyed that they would have kept the roster points in view at the time of offering appointments in the select list. We find from the select list dated 10.11.1995 that there are a few candidates belonging to the SC, ST and OBC. We are of the view that this list has been prepared without keeping the instructions and standards about reservations in view. We are with the applicants that if the instructions for reservations had been kept in view, the complexion of selection would have been substantially different, than what it is at present. In any case, the ends of justice would be met if in the instant case, the respondents hold a review trade test/interview of the

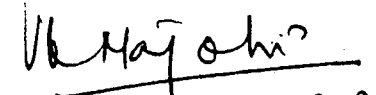
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present applicants to assess their suitability for the post of Work Assistant under the direct recruitment quota without disturbing the present select list and if these applicants are found to be suitable for these posts, they should be accommodated as Work Assistant as and when vacancies arise and as per the roster points.

5. The OA is accordingly disposed of in the above terms. No costs.


(Ashok Agarwal)
Chairman


(V.K. Majotra) 1.3.2000
Member (A)

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