

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

C.P.No.317/98 in
O.A.No.1461/97
M.A.No.864/2000

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Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Smt. Shanta Shastry, Member(A)

New Delhi, this the 19th day of April, 2000

1. Shri B.M.Singhal
Executive Engineer (Civil)
s/o late Shri Jyoti Prashad
r/o C-11/158, Yamuna Vihar
Delhi - 110 053.
 2. Shri S.K.Mittal
retired Executive Engineer (Civil)
s/o late Shri M.L.Mittal
r/o Raj Nagar
Delhi - 110 034.
 3. Shri S.K.Jain
Asstt. Ennginneer (Civil)
s/o Shri S.L.Jain
r/o 4/1712 Mittal Sadan
Bhola Nath Nagar
Shahadara
Delhi - 110 032.
 4. Shri H.S.Batra
Asstt. Engineer (Electrical)
s/o Shri Tara Singh
r/o BL-13, L-Block
Anand Vihar
New Delhi - 110 064.
- ... Petitioners

(By Shri Sohan Lal, Advocate)

Vs.

1. Smt. Kiran Aggarwal
Secretary
Ministry of Urban Development
Govt. of India
Nirman Bhawan
New Delhi.
2. Shri Arvind Verma
Secretary
Ministry of Personnel, Public
Grievances and Pensions,
North Block
New Delhi.
3. Shri B.K.Mishra
Secretary
Union Public Service Commission
Shahjahan Road
New Delhi.



4. Shri B.S.Duggal
Director-General of Works
Central Public Works Deptt.
Nirman Bhawan
New Delhi.

.. Respondents

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(By Shri D.S.Mahendru, Advocate for R-1
Mrs. B.Rana, Advocate for R-3 and Shri Madhav Panikar
Advocate for Respondent No.4)

O R D E R (Oral)

By Reddy. J.

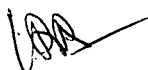
The Contempt Petition is filed complaining that the directions given on 18.8.1997 in OA No.1461/97 have not been complied with. From a reading of the above judgment, we find that the only directions given by the Tribunal were, to initiate the process as per the Supreme Court's Judgment in J.N.Goel & Others Vs. Union of India & Others, JT 1997(1) SC 451 which shall be completed in six months. It was observed that any promotions made are only ad hoc and restricted to six months and all the ad hoc promotees should stand automatically reverted to the regular lower posts on the expiry of six months.

2. In the affidavit filed by the respondents it was stated that the directions given by the Tribunal have been complied with. Paragraphs 3 to 6 contain the narration of the facts ^{and} the action taken by the respondents in accordance with the directions given and the orders of stay passed by the Courts against the orders of reversion of ad hoc Executive Engineers. The respondents state that they would take action regarding the holding of the DPCs in accordance with the Recruitment Rules of 1996 after the implementation in full of promotion orders dated 3.11.1999, after the litigation comes to an end.



3. Learned counsel for the petitioners however, submits that directions have yet to be fully complied with as 155 Executive Engineers are still working as ad hoc employees and that there were no orders of stay against their orders of reversion, which contention is, however, refuted by the learned counsel for the respondents. This disputed question cannot be resolved by us, in the absence of necessary material placed before us.

4. The learned counsel for the applicant submits that the issue involved also pertains to the promotion of Executive Engineers not only as per the Recruitment Rules of 1996 but also in accordance with the Recruitment Rules of 1954, whereas the learned counsel for the respondents submits that in this case the issue was only as to the promotion against the Recruitment Rules of 1996. Be that as it may, nothing could be construed from the Judgment except directing the respondents to proceed and comply the ratio of the Goel's case (Supra). Hence, the respondents should take action strictly as per the propositions in the Goel's case. In our view, Goel's case deals with the review of promotions made on ad hoc basis of the diploma holder Assistant Engineers and fill up the vacancies of pre 1996, as per the Rules of 1956 and regarding vacancies arising after 1996 as per 1996 rules. The respondents have to keep the ratio in mind and comply with the judgment, subject to, however, the consequential orders of stay granted by courts in favour of the diploma holders. Since a statement has been made by the respondents on oath that as per the



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Judgment of the Tribunal the directions have been complied with and that they had reverted all ad hoc promotees and in their vacancies regular promotions of Executive Engineers are made, recording the said statement, we close the Contempt Petition. Accordingly, the CP is closed. Notices issued are discharged.

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5. Shri G.K.Aggarwal, learned counsel for the interveners filed an application for interveners who are the ad hoc promotees.

6. Since we have not given any direction in this case, except referring to the directions given by the Tribunal in the above OA and as per the above Judgment the ad hoc promotees shall have to be reverted, the interveners interest cannot be said to have been affected by this order. The interveners petition is accordingly dismissed.

Shanta S-
(SMT. SHANTA SHASTRY)
MEMBER(A)

/rao/

V. Rajagopala Reddy
(V.RAJAGOPALA REDDY)
VICE CHAIRMAN(J)