

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

...

OA.No.1461 of 1997
MA.No.1832 of 1997

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Dated New Delhi, this 18th day of August, 1997.

HON'BLE DR JOSE P. VERGHESE, VICE CHAIRMAN (J)
HON'BLE MR K. MUTHUKUMAR, MEMBER (A)

1. B. M. Singhal
Executive Engineer (Civil)
S/o late Shri Jyoti Prasad
R/o C-11/158 Yamuna Vihar
DELHI-110053.
2. S. K. Mittal
Executive Engineer (Civil)
S/o late Shri M. L. Mittal
R/o Raj Nagar
DELHI-34.
3. S. K. Jain
Assistant Engineer (Civil)
S/o Shri S. L. Jain
R/o 4/1712 Mittal Sadan
Bhola Nath Nagar, Shahdara
DELHI-110032.
4. H. S. Batra
Asst. Engineer (Electrical)
S/o Shri Tara Singh
R/o BL-13, L. Block
Anand Vihar
NEW DELHI-64.

... Applicants

By Advocate : Shri Sohan Lal

VERSUS

1. Union of India, through
(a) Secretary
Ministry of Urban Development
& Employment, GOI
Nirman Bhawan
NEW DELHI.
(b) Secretary
Ministry of Personnel, Public
Grievances and Pensions, GOI
North Block
NEW DELHI.
2. The Secretary
Union Public Service Commission
Shahjahan Road
NEW DELHI.
3. The Director General of Works
Central Public Works Department
Nirman Bhawan
NEW DELHI.

... Respondents

By Advocate: Shri Madhav Panikar

Shri G.K. Aggarwal, Intervener

ORDER (Oral)

Dr Jose P. Verghese, VC(J)

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The applicants in this case mostly those who were regular Assistant Engineers and holding the post of Executive Engineers on adhoc basis are aggrieved by the impending action of the respondents who were again resorting to promotion to the post of Executive Engineer on adhoc basis inspite of clear direction from the Supreme Court in Goel's case that the regularisation of the existing adhoc Executive Engineers should be first done in accordance with the recruitment rules. It was stated that the process of regularisation in pursuant to the Goel's case is in progress with the UPSC and inspite of best effort, the UPSC has not completed the process and it is apprehended that another two or three months time will take to finalise the first regularisation in accordance with the Goel's case. Even though UPSC is also a party in this case, they have not chosen to appear before us.

2. In any case, we direct that the process initiated in pursuant to the Supreme Court's case in Goel's case shall be completed within six months so that the regular Executive Engineers should be available for posting. On the expiry of these six months in case any further delay is there, that it

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goes without saying that the matter would be taken very seriously especially in the circumstances that the UPSC has not chosen to appear before us while these proceedings were going on. In the meantime, the respondents are unable to appoint sufficient number of Executive Engineers and the regularisation process is taking time and for the urgency based on the reasons stated on their affidavit filed today, the permission is sought to make an one time, time-bound promotion for six months. The promotion which they intend to make is stated to be adhoc promotion, but it is being restricted to ^{six months} only, the nomenclature has nothing to do with these promotions. These are being allowed only to meet the exigencies and the urgency pointed out by the respondents in their affidavit. We make it clear that these appointments shall be confined to only for six months and thereafter on the expiry of the six months, all these persons holding the post of Executive Engineer on adhoc basis in this manner shall automatically stand reverted to their regular lower post which they were holding as on today. Unless their cases have been considered by the UPSC on the basis of the bench-mark and the promotions have been recommended in this case, in such cases, the promotion which they were holding will continue to be a promotion, but without any benefit of regularisation of their

services as Executive Engineer for these six months.

(X)

3. This six months period permission to promote adhoc Executive Engineers shall be done strictly in accordance with the rules applicable to adhoc promotions and the respondents shall not apply the rule of application of benchmark which is the function of the UPSC when regular appointments are made. It was stated that the rules applicable to adhoc promotions that it must be in accordance with the seniority based on length of service in the original cadre and subject to rejection of unfit. We try to impress upon the respondents that these rules shall be strictly adhered to and there is no question of comparative benchmark, which according to the respondents, may amount to violation of the Supreme Court's decision in Goel's case.


4. The number of posts quota-wise, speciality-wise, and category-wise shall be in accordance with the affidavit filed by the respondents. Any attempt to deviate from these facts in this affidavit shall be construed as an attempt to mislead the court and it is again impressed that these appointments are being allowed only for the purpose of meeting the urgent situation that has arisen due to the delay of the implementation of the Supreme Court's decision in Goel's case at the instance of the


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UPSC.

5. With these orders, this OA is disposed of with liberty to the applicants to approach this court as and when a fresh cause of action arises.


(K. Muthukumar)
Member(A)


(Dr Jose P. Verghese)
Vice Chairman(J)

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