

(9)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.506/97

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Shri Govindan S. Tampi, Member(A)

New Delhi, this the 3rd day of August, 2000

1. C.P.W.D. Architects Association
through its Authorised signatory
Shri P.S.Negi, General Secretary
A Wing, 3rd Floor Nirman Bhawan
New Delhi.
 2. Sh. V.K.Tiwari
Architect
C.P.W.D. East Block-1
Level - II, R.K.Puram
New Delhi.
 3. Sh. P.S.Negi
Architect
C.P.W.D., A Wing
3rd Floor
Nirman Bhawan
New Delhi. Applicants
(By Shri Rajeev Sharma, Advocate) Vs.
1. Union of India
Ministry of Urban Affairs & Employment
through its Secretary
Nirman Bhawan
New Delhi.
 2. Director General (Works)
Central Public Works Department (CPWD)
A Wing, Nirman Bhawan
New Delhi. ... Respondents
(By Shri R.P.Aggarwal, Advocate)

O R D E R (Oral)

By Justice Rajagopala Reddy:

Heard the counsel for the applicants and the respondents. The applicant No.1 is a General Secretary of the CPWD Architects Association and Applicants No.2 and 3 are the members of the said association.

2. A Committee called Ranghnathan Committee has been constituted by the Government on 28.8.1975 and has given its report on 10.10.1976 making several recommendations with regard to the improvement and

CAB

-2- 10

efficiency of CPWD and also setting up of the Central Planning and Design Organisation. The applicants are aggrieved in not implementing the recommendations of the said Committee by the Government, particularly pertaining to setting up of Central Planning and Design Organisation which was recommended by the said Committee. The grievance is that though the Government had accepted these recommendations had not implemented till date. Learned counsel contends that in the CPWD Civil Engineers are given prime place over Architects, completely ignoring the career prospects of Architects. The OA is therefore filed for implementing the recommendations of the Rangnathan Committee's report which were accepted by the respondents.

3. The respondents have taken a preliminary objection as to the maintainability of the OA on the ground of limitation. It is stated that the recommendations made by the Committee have lost its relevance including the recommendations with regard to the CPDO. The CPDO was in fact set up in 1984 and at present there is a Senior Architect under Additional Director General (Architect) who is handling this organisation. It is also the stand of the Government that in view of the Fifth Central Pay Commission recommendations which have been accepted by the Government the recommendations of the Rangnathan Committee's cannot be agitated. Most of the recommendations which were accepted had been implemented and some could not be implemented because of administrative reasons and financial constraints.

CAB

4. We have given careful consideration to the contentions of the learned counsel for the applicants. As stated supra, the recommendations pertain to the period of 1976 and 1977 and thereafter the recommendations were discussed in the Parliament (in the Lok Sabha). In view of the expiry of the time, we are of the view that most of the recommendations of the Committee have lost their relevance. Coming to the specific grievance of the applicants regarding the setting up of the CPDO, it is admitted in the counter affidavit that it was set up but it could not function. However, its functioning was reactivated in 1984 and Sr. Architect is now heading the CPDO under the designation of Additional Director. The learned counsel for the applicant however disputed the statement made in the reply. He contends that the CPDO has not been set up and it is yet to be established.

5. No doubt this OA suffers from latches. It also appears to be barred by limitation under Section 21 of the Administrative Tribunals Act, 1985. No specific reason has been given by the applicants for not approaching this Tribunal soon after recommendations have not been implemented by the Government.

6. But, in our view, the cause of action being continuous inasmuch as the setting up of this organisation has to be done and can be done at any time for the betterment of promotional career of the

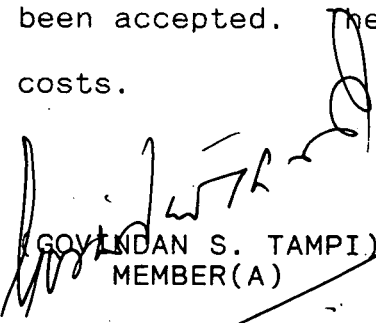
CA

employees who are Architects, it cannot be said that the cause of action is a one time grievance. It can be thrown out on the ground of limitation.

7. Though it was stated that in 1984 the CPDO has been set up, as seen from the proceedings dated 28.11.1991 of the Government of India, M/o Urban Development (CPWD), it is clear that the question of setting up the CPDO was still under consideration.

8. In view of the fact that this organisation was to be set up for the improvement of the conditions of Architects, we are of the considered view that there is no good reason for not doing so, though several years have elapsed from the date of the report. The main grievance of the applicant is as regards the setting up of the CPDO. No reason was given by the respondents in their counter for not doing so, having accepted the recommendations in this regard.

9. We therefore, direct the respondents to consider the setting up of CPDO expeditiously not beyond six months from the date of receipt of a copy of this order in accordance with the 'recommendations of the Rangnathan Committee's report which have since been accepted. The OA is accordingly disposed of. No costs.


(GOVINDAN S. TAMPI)
MEMBER(A)


(V. RAJAGOPALA REDDY)
VICE CHAIRMAN(J)

/rao/