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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

O.A. No. 772 of 1994

New Delhi this 18th May, 1994.

CORAM:

Hon'ble Mr. J. P. Sharma, Member (J)

Hon'ble Mr. S. R. Adige, Member (A)

Shri A. K. L. Das, son of Shri S. L. Das,
posted at Sikkim,
r/o C-2/2286, Vasant Kunj,

New Delhi.

Presently posted as Jr. Engineer,
(Graduate Civil) Sikkim Investigation
Division, Central Water Commission,
Tadong, Gantek (SIKKIM)Applicant

By Advocate: Shri D. R. Roy

Versus

1. Union of India
through its Secretary,
Ministry of Water Resources,
Sharam Shakti Bhawan,
New Delhi.

2. Central Water Commission,
through its Chairman,
Central Water Commission,
Sewa Bhawan, R.K. Puram,
New Delhi

...., Respondents.

ORDER

By Hon'ble Mr. S. R. Adige, Member (A)

In this application, Shri A. K. L. Dass, Junior
Engineer (Graduate Civil), Sikkim Investigation
Division, Central Water Commission, Sikkim has
prayed for regular promotion as Assistant Engineer/
Extra Asstt. Director in Group 'B' services
Rs. 2000-3500/- w.e.f. 25.4.91. which his junior
Shri Sispal Gill is stated to have been promoted.

2. It is noticed that a similar application
had been filed by him bearing O.A. No. 1742/93
in which judgment was pronounced on 1.9.93. In
that judgment, it was noted that the post of Asstt.
Engineer was a selection post which was to be
filled on the recommendations of the DFC in

consultation with the UPSC, and the applicant could not claim automatic promotion. However, as the representation filed by the applicant had undergone unresponded, the respondents were directed to give reply to the representation filed by him. In compliance with that directive, the respondents issued memo dated 13.1.94 (Annexure-A1), in which it was pointed out that

"It is administratively not possible to give him promotion to the grade of Extra Assistant Director/Assistant Engineer and related benefits with effect from these were due because of the fact that a number of EADs/AEs including all his juniors have been reverted to their substantive posts of Design Assistant/Junior Engineer/Head Draftsman with effect from 31.7.92 due to compliance of the judgment/orders dated 17.11.87 in O.A. No.262/86 and M.A. No.414 of the Hon'ble Central Administrative Tribunal, Hyderabad Bench. However, on the basis of the interim stay for continuance of the reverted graduate engineers as EAD/AE in Central Water Commission granted by different Benches of Central Administrative Tribunal, the reversions of all such graduate engineers have been kept in abeyance till further orders subject to the decision by the Central Administrative Tribunal, Principal Bench, New Delhi (all cases clubbed) and by the Supreme Court in SLP No.7166/88 filed by Shri Nageshwar Prasad and others. He has been placed against due Sl. No.1341(A) in between Sl. Nos. 1341 and 1342 in the seniority list of Junior Engineers of CWC as on 30.11.85 (Circulated on 20.2.86) vide this Commission's Addenda No.10/2/93-Extt. VI dated 13.1.94."

3. Under the circumstances, this application is dismissed at the admission stage leaving it open to the applicant to file a fresh O.A. if any grievance survives after the disposal of the cases clubbed together before the CAT, Principal Bench, New Delhi and SLP No.7166/88 ^{before} by the Hon'ble Supreme Court.

S.R. Adige
(S.R. ADIGE)
MEMBER (A)

J.P. Sharma
(J.P. SHARMA)
MEMBER (J)