

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

(5)

RA NO. 90/2002  
MA NO. 751/2002  
MA NO. 752/2002  
MA NO. 795/2002  
MA NO. 1119/2002  
OA NO. 58/2000

Thursday, this the 30th day of May, 2002

Hon'ble Shri Justice Ashok Agarwal, Chairman  
Hon'ble Shri S.A.T. Rizvi, Member (A)

1. Shri N.K.Bansal  
S/o Shri R.L.Bansal  
PWD Zone-1 (DA),  
New Delhi.
2. Shri Gurbaaz Singh  
S/o Shri Niranjan Singh  
'F'Division,  
CPWD, New Delhi.
3. Shri G.P.Bansal  
S/o Shri R.P.Bansal  
PWD Division-I,  
New Delhi.
4. Shri S.K.Aggarwal  
S/o Shri M.K.Aggarwal  
PWD Division-7,  
New Delhi.
5. Shri S.K.Srivastava  
S/o Shri S.Prasad  
G Division CPWL,  
New Delhi.
6. Shri C.B.Upadhayay  
S/o Shri B.K.Upadhayay  
CD-I, CPWD  
New Delhi.
7. Shri Pawan Kumar Gupta  
S/o Shri J.N.Gupta  
B-Division CPWD,  
New Delhi.
8. Shri Ravi Kant  
S/o Shri C.R.Sharma  
Exhibition Division, CPWD,  
New Delhi.
9. Shri Apurb Anand  
S/o Shri V.Srivastava  
PWD Division-24,  
New Delhi.
10. Shri Anurag Khare  
S/o Shri Ramesh Chander  
Parliament Division-4, CPWD,  
New Delhi.

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11. Shri Jitendra Anand  
S/o Shri Y.Varshney  
CD-3, CPWD,  
New Delhi.
12. Shri Mohan Lal  
S/o Shri Phooley Singh  
UFWS Division, CPWD,  
New Delhi.
13. Shri Pradeep Garg  
S/o Shri G.C.Garg  
PBFOP Division, PWD,
14. Shri Devendra Prakash  
S/o Shri Dharamvir Prakash  
CD-15, CPWD,  
New Delhi.
15. Shri C.N.Suresh  
S/o Shri C.Subramanayam  
PWD Division-22,  
New Delhi.
16. Shri Krishna Pal Singh  
S/o Shri Narayan Singh  
CDO, CPWD,  
New Delhi.
17. Shri Priyank Mittal  
S/o Shri S.C.D.Mittal  
PWD Division-20, CPWD,  
New Delhi.
18. Shri Pradeep Kumar  
S/o Shri Karan Singh  
SPG Division-1, CPWD,  
New Delhi.
19. Shri Manish Kumar  
S/o Shri S.B.Garg  
NDZ-I, CPWD,  
New Delhi.
20. Shri Anurag Kumar  
S/o Shri Mahendra Pandit  
AGC Division-3, CPWD,  
New Delhi.
21. Shri Sudhir Kumar Dak  
S/o Shri J.M.Dak  
CDO, CPWD,  
New Delhi.
22. Shri Sushil Kumar  
S/o Shri Surjan Singh  
Vigyan Bhawan Division, CPWD,  
New Delhi.
23. Shri Ramesh Kumar  
S/o Shri V.P.Gupta  
CDP, CPWD,  
New Delhi.

24. Shri Manoj Kumar  
S/o Shri R.D.Pai  
SDO, CPWD,  
New Delhi.

25. Shri M.S.R.Rao  
S/o Shri M.M.Rao  
CDO, CPWD,  
New Delhi.

26. Shri Rajesh Khare  
S/o Shri G.B.Khare  
PWD, CPWD,  
New Delhi.

(By Advocate: Shri V.K.Rao)

...Review Petitioners

Versus

1. Union of India,  
through its Secretary,  
Ministry of Urban Development & Employment  
Government of India, Nirman Bhawan,  
New Delhi.
2. The Secretary,  
Ministry Personal,  
Public Grievance & Pensions,  
Govt. of India, North Block,  
New Delhi.
3. The Secretary,  
UPSC, Dholpur House,  
Shahjahan Road,  
New Delhi.
4. The Director General of Work  
Central Public Works Deptt.  
Nirman Bhawn, New Delhi.
5. CPWD Graduate Engineers Association,  
CPWD, through Shri B.M.Singhal,  
General Secy, S/o Late Sh. Jyoti Prasad,  
Executive Engg. (C), R/o C-11/158,  
Yamuna Vihar, Delhi.
6. Shri G.N.Shukla, Asstt. Engineer (C)  
S/o Shri N.H.Shukla, 584, Section IX,  
R.K.Puram, New Delhi.
7. Shri S.C.Pandey, Asstt. Engineer (C)  
S/o Shri Ram Chander Pandey, 240-B, Pocket-C,  
Mayur Vihar, Phase-II,  
Delhi-91.
8. Shri J.P.Srivastava, Asstt. Engineer (Elect)  
S/o Late Shri H.P.Srivastava,  
136 Type-IV, North West,  
Moti Bagh, New Delhi.
9. Shri Baldev Kumar,  
S/o Shri Beant Lal  
R/o 489, Sector-3,  
R.K.Puram, New Delhi.

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10. Central PWD Engineers' Association,  
 'B' Wing Ground Floor, IP Bhawan,  
 New Delhi-2 thro': its  
 General Secretary. .... Respondents  
 (Newly impleaded through MA No. 1119/2002  
 by Advocate: Shri G.K. Aggarwal)

(By Advocates: Shri D.S. Mahendru for  
 Respondent No. 1 to 4  
 Shri P.P. Khurana with Shri Sohan Lal for  
 Respondent Nos 5 to 8.  
 Shri B.S. Maine for Respondent No. 9)

O R E R (Oral)

Shri S.A.T. Rizvi

In OA, being OA-58/2000, in which Assistant  
 Engineers and diploma holders were parties, the Tribunal  
 issued directions on 5.12.2000 providing, inter alia, as  
 under:-

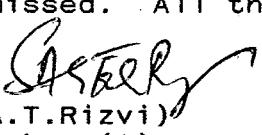
"19 (iii) A review DPC will be held to consider promotion of both degree holder as well as diploma holder AEs on a regular basis to the rank of EE against all the pre-1996 RRs vacancies still available in the Ministry/Dept. of Urban Development & Employment. The review DPC will also consider recommending reversion of such of the degree holder and diploma holder AEs as are found not to possess sufficient merit in accordance with the norms devised by them.

2. The aforesaid direction is sought to be reviewed in the present RA filed on behalf of the Assistant Executive Engineers (AEEs), who were not parties in the aforesaid OA. The issue raised is with regard to the number of vacancies that could possibly be filled by promoting AE~~s~~s and the diploma holder AEs to the post of Executive Engineer against the backlog of vacancies otherwise earmarked for AEEs. In the Office Memorandum of 6.7.1999 (P-3), it has been stated that 430<sup>& such</sup> vacancies were available on the civil side. This figure was

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noticed by us at the time of passing orders in the aforesaid OA. The learned counsel appearing on behalf of the review applicants, namely, the AEEs submits that only 279 vacancies were actually available. In the reply filed on behalf of the official respondent Nos. 1 to 4, it has been stated that as many as 314 vacancies on the civil side already stood filled up by promotion. The official respondents have further gone on to say that a Committee has been constituted to ascertain as to how many vacancies were still available. The respondents will proceed to make further promotions, <sup>only</sup> after the actual position has been ascertained. Thus, there is no final determination of the exact number of vacancies in the rank of Executive Engineers which could be filled by promoting diploma holders AEs and AEEs. In the aforesaid directions sought to be reviewed, we have merely stated that the vacancies still available could be utilized for promoting the diploma holder AEs and AEEs. We have ~~avoided~~ ~~pointed~~ pointing out ~~the~~ exact number of vacancies which could be so filled. In this view of the matter, clearly there is no mistake on the face of the record and, therefore, ~~the~~ Review Application, which is also belated, cannot possibly succeed in terms of Order XLVII Rule 1 of the CPC read with Section 22 (3)(f) of the Administrative Tribunals Act, 1985. Review Application can succeed only in a case where there is an error apparent on the face of the record. ~~No~~ No case is made out for reviewing the aforesaid Tribunal's order dated 5.12.2000.

3. The Review Application, in the circumstances, is dismissed. All the MAs stand disposed of ~~accordingly~~.

  
(S.A.T.Rizvi)  
Member (A)

  
(Ashok Agrawal)  
Chairman

/sunil/