

Central Administrative Tribunal, Pr

Original Application No.1620 of 2000
with
Original Application No.1644/2000

New Delhi, this the 14th day of January, 2003

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. V. Srikantan, Member(A)

O.A.1620/2000

1. Surinder Singh,
S/o Shri Kapoor Singh,
Electrician,
Elect. Division No.2,
C.P.W.D., Firozshah Road Enq. Office,
New Delhi.Applicant

(By Advocate: Shri G.D. Bhandari)

Versus

Union of India, through

1. The Secretary,
Ministry of Urban Development,
Nirman Bhawan,
New Delhi.
2. The Director General (Works)
C.P.W.D.,
Nirman Bhawan,
New Delhi
3. The Superintending Engineer(Co-ord) (Elect),
Central Public Works Department,
Indraprastha Bhawan,
New Delhi.
4. The Executive Engineer (Elect)-2
Central Public Works Department,
Indraprastha Bhawan,
New Delhi.Respondents

(By Advocate: Shri D.S. Mahendru)

O.A.1644/2000

1. Ram Kumar
S/o Shri Lakshman Singh
R/o 211/26
Tine Nalka Wali Gali
Aryanagar,
Sonepat, Haryana,
2. Jagbir Singh
S/o Shri Ram Kishan,
R/o C2/14, Swarn Park,
Part II,
(Mundka), Delhi-41

3. Budh Singh
 S/o Shri Nand Ram
 R/o House No. 116, Basant Village,
 P.O. Basant Vihar,
 New Delhi-57

4. Jagbir Singh,
 S/o Shri Risal Singh
 R/o 31 E, Madan Park,
 Punjabi Bagh, Delhi-26

....Applicants

(By Advocate: Shri Naresh Kaushik)

Versus

1. Central Public Works Department,
 through its Director General Works,
 Nirman Bhawan,
 New Delhi.

2. The Office of Superintending Engineer(Electrical)
 Coordination Circle (Elect), CPWD
 Room No. 401A, 4th Floor, IP Bhawan,
 New Delhi-2

....Respondents

(By Advocate: Shri D.S. Mahendru)

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

By this common order, two O.A. Nos. 1620/2000 and 1644/2000 can conveniently be disposed together.

2. During the course of submissions, the matter as such had been settled and, therefore, we are not going into the detailed facts. The applicants had been promoted as Electrician vide order of 30.11.98 on ad-hoc basis. Earlier they were working as Wireman. Vide the impugned orders, they were proposed to be reverted as Wireman. Needless to state that they had filed present applications and this Tribunal had stayed the operation of the impugned orders reverting them as Wireman.

3. The additional affidavit had been filed on behalf of the respondents. It gives the following scenario with

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respect to the vacancies that are available:

"DIRECT QUOTA:	GEN.	SC	ST	OBC	TOTAL
As per Roster	11	3	1	5	20
As per actual ground position	14	-	-	-	14
	-3	3	1	5	6

PROMOTION QUOTA:	GEN.	SC	ST	OBC	TOTAL
As per Roster	47	8	4	-	59
As per actual ground position	45	6	-	-	51
	2	2	4	-	8 "

4. The above said fact clearly shows that there are three General vacancies in the direct recruitment quota and two vacancies available in the promotion quota for the posts of Electrician.

5. It is conceded that till such time the direct recruits (General candidates) or some other persons in General category are promoted, the applicants will not be reverted. It is also not in dispute that if posts reserved for S.C. are de-reserved and are available for General candidates, the applicants shall not be reverted. However, in case direct recruit General candidates join or some other person is promoted in the General category other than the applicants, the applicants can be reverted in the order of "last come first go." It is further not in dispute that if some vacancies arise as a result of retirement of an employee on superannuation or due to occurrence of death, there may be candidates in the 'General' category to occupy

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those posts. In that event, the applicants can be reverted. Order is made accordingly.

(V. Srikantan)
Member(A)

(V.S. Aggarwal)
Chairman

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Attested
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Co.CI