

13 (23)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.355/2000

New Delhi this the 6th day of March, 2002

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI S.R.ADIGE, VICE-CHAIRMAN (A)

1. Arif Jamal s/o Jamaluddin Azim
R/o E-21-27, Zakir Nagar
New Delhi.
2. S.R.Bholla S/o late Sh. D.M.Bholla.
R/o House No.9-1611 Subhash Road
Gandhi Nagar
New Delhi. Petitioners

(By Shri V.K.Raina, Advocate)

-versus-

1. Union of India through
Secretary
Ministry of Urban Development
Nirman Bhawan
New Delhi.
2. Land & Development Officer
Nirman Bhawan
New Delhi. ... Respondents

(By Shri Rajeev Bansal, Advocate)

O R D E R (ORAL)

S.R.Adige:-

Applicants seek a direction to respondents to fix their seniority after counting their service in the National Building Organisation and to devise promotional scheme with ^a ~~the~~ graded structure. They also seek a direction to respondents for benefits under the Assured Career Progression Scheme.

2. Heard both sides.

3. Pleadings reveal that consequent upon restructuring of N.B.O under the Ministry of Urban Development and Poverty Alleviation in 1992, a number of posts were rendered surplus and it was decided vide Ministry of Urban Development's Memorandum dated 7.10.1992 to accommodate such surplus staff, to the extent possible, within the offices under the administrative control of the Ministry. Consequently, both the applicants were transferred to the office of the Ministry of Urban Development in October 1992 as Technical Assistants.

4. In so far as the applicants' claim for promotion to the next higher grade of Assistant Engineer is concerned, respondents contend that under the relevant recruitment rules, post of Assistant Engineer is a promotional post for those in the feeder grade of Overseer (Junior Engineer), and as the applicants are not in the feeder grade, they are not eligible for consideration to the said posts.

5. Applicants contend that they had given their options for being inducted as Overseer in 1993. This assertion of applicants in para 4(iv) of the OA has not been denied by the respondents in the corresponding paragraph of their reply, but no specific action appears to have been taken by them thereon and meanwhile applicants also did not appear to have ^{proceeded} ~~proceeded~~ the matter.


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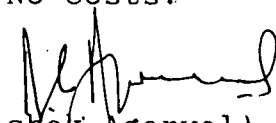
6. However, we notice from respondents' reply that two posts of Technical Assistant have been encadred with that of Junior Engineer (Civil) in CPWD, and respondents stated that the applicants will be duly considered for promotion to the grade of Assistant Engineer by the Cadre Controlling Authority as per rules as and when the opportunity arises.

7. In the light of the aforesaid pleadings, we dispose of the OA withs the following directions:-

- (1) ~~if~~ ^{the} ~~in~~ the event of ~~two~~ ^{the} posts of Technical Assistant said to have been encadred with that of Junior Engineer(Civil) in CPWD are held by ^{the} two applicants in the present OA, their position in the seniority list of Junior Engineers(Civil), consequent to aforesaid encadrement should be indicated to them as early as possible and preferably within three months from the date of receipt of a copy of this order.
- (2) Applicants claim for grant of benefits under ACP scheme should also be processed and final decision taken in the matter, in respect of their claim, within the aforesaid period of three months from the date of receipt of a copy of this order.

8. OA disposed of as above. No costs.


(S.R. Adige)
Vice Chairman (A)


(Ashok Agarwal)
Chairman

/sns/