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MA No969/96, RA 2266/95 in OA 1388/93

New Delhi, this 11th day of November, 1996

Hon'ble Shri S.R. Adige, Member(A)
Hon'ble Dr. A.Vedavalli, Member(J)

CPWD Horticultural Sectional Officers
Association & Ors.
IP Bhavan, New Delhi .. Applicants

(By Shri K.B.S. Rajan, Advocate)

versus

1. Union of India, through
Secretary
Ministry of Urban Development
New Delhi
2. Director General of Works
CPWD, New Delhi
3. Chairman
UPSC, New Delhi .. Respondents

(By Shri V.S.R. Krishna, Advocate)

ORDER(oral)

Hon'ble Shri S.R. Adige

Heard.

2. In the light of the submissions made by the respondents' counsel Shri V.S.R. Krishna upon instructions from Shri S.D. Negi, Section Officer, CPWD, who is present in the Court that ^{the} proposal to amend the recruitment rules for the post of Assistant Director(Horticulture) has finally been despatched to the UPSC about a week back, we hold that the impugned order dated 27.10.95 does not call for any review, and the RA is, therefore, dismissed.

3. In so far as MA 969/96 for extension of time till 27.9.96 to implement the direction dated 27.10.95 in OA No.1383/93 is concerned, we note that 27.9.96 is already over. In this connection we note the submission made by Shri V.S.R. Krishna that consequent to the proposal being referred to UPSC the matter is likely to take a

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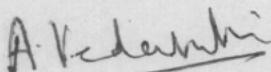
the respondents to ensure that the final decision in the matter is taken within the time schedule indicated by Shri V.S.R. Krishna. MA No.969/96 therefore requires no orders separately and stands disposed of.

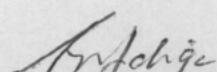
4. In this connection, Shri K.B.S. Rajah learned counsel apprehends that the respondents might make recruitment to the post of Assistant Director(Horticulture) on the basis of the unamended recruitment rules even while the amendments to these rules are under process. Shri V.S.R. Krishna, states that this apprehension is unfounded because no action to fill up the post of Assistant Director(Horticulture) has been taken on the basis of the unamended recruitment rules ever since the OA was filed on 8.9.95, and it is wholly unlikely that the respondents will now take steps to fill up that post, within the next two months by which time a final decision would have been taken on the amendment.

5. We noted the submissions made by both counsel and hold that in the event that the apprehension of the applicants is well founded at any stage, they will be at liberty to approach this tribunal to agitate their grievance in accordance with law if so advised.

6. Both the RA and MA accordingly stand disposed off.

No costs.


 (Dr. A. Vedavalli)
 Member(J)


 (S.R. Adige)
 Member(A)

/gtv/

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