

(11)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

D.A.No.1935/1989

New Delhi, This the 20th Day of October 1994

Hon'ble Shri Justice S.C.Mathur, Chairman

Hon'ble Shri P.T.Thiruvengadam, Member (A)

1. Jagdish Bhagat
s/o Shri D.N.Bhagat
Laxmi Sagar Colony
P.O. & Dist. Darbhanga
Bihar.
2. Shri Ajay Tiwari
s/o Shri V B Tiwari
R-179 Greater Kailash-I
New Delhi 110 048
3. Sh Om Prakash
s/o Late shr Raj Singh
Asst Engineer (Civil)
CCW
All India Radio
T.U. Centre
Mirchai Bari
Katihar (Bihar)
4. Shri R K Singh
s/o Shri K.N. Singh
141, RMC, Bariatu
Ranchi, Bihar-9
5. Shri H K Padmaker
s/o Shri M .R.Padmakar
Type II/113, Seminary Hills
Nagpur, Maharastra
6. Sh.R M Garg
s/o Sh. J.K.Garg
B-45, NOSE Part I
New Delhi 110 009.
7. Shri A.K.Verma
s/o Shri H .R.Singh
H No.5, Atama Ram Ka Ahota
Ramte Ram Road
Ghaziabad (U.P) -201001
8. Sh. R.B.Sinha
S/o Sh R.P. Sinha
Village & P.O.Pawar
P.S. Sandesh
Distt.Bhojpur, Bihar.
9. Shri Sanjeev Batra
s/o Shri H.C.Batra
K-3, NOSE Part II
New Delhi 110 049
10. Sh. A.K.Sinha
s/o Sh. P.L. Prasad
AE(C) CCW, AIR
RATU ROAD
RANCHI-BIHAR
11. Shri S.P.Prasad
c/o Sikri & Company
Advocates, High Court Chamber
New Delhi.

12. Sh.T.Ganesh
S/o Sh.Thiagarajan
D-II/M 2782, Netaji Nagar
New Delhi 110 023.

13. Shri Rajeev Kumar
s/o Sh. L.P.Garg
29, Krishan Kunj Extn
Laxmi Nagar
Delhi-110 092.

...Applicants

By Shri V K Rao, Advocate

Vs

1. Union of India
through its secretary
Ministry of Information &
Broadcasting, Shastri Bhawan
Dr.Rajendra Prasad Road
New Delhi.

2. Director General
All India Radio
Parliament Street
New Delhi.

3. The Secretary
U.P.S.C
New Delhi.

4. The Department of Personnel
& Public Grievances
Ministry of Home Affairs
North Block
New Delhi.

5. Shri S.R.Mandal
C/o Civil construction Wing
Calcutta

6. Shri D P Mandal
c/o Civil Construction Wing
Silighar

7. Shri A.K.Khan
c/o Civil Construction Wing
Jabalpur.

8. Shri K.P.Sankaran
c/o Civil construction wing
Madras

9. Shri R.C.Das
c/o Civil construction Wing
Imphal

10. Shri K.P.Mandal
c/o Civil Construction Wing
Siliguri.

..Respondents

By Shri P.H.Ramachandani, Advocate

L

O R D E R (Oral)

Hon'ble Shri Justice S.C.Mathur, Chairman

1. Shri P.H.Ramachandani, the learned counsel for respondents has stated that the application has become infructuous in as much as respondents No.5,7,8,9 and 10 have been reverted from the post of Executive Engineer(Civil) to the post of Assistant Engineer(Civil) and in the present application the applicants' challenge was directed against their promotion.

2. The learned counsel for the applicants Shri V K Rao states that despite efforts he has not been able to obtain instructions from the applicants.

3. The applicants who were degree holder Assistant Engineers were aggrieved by the promotion of diploma holder Assistant Engineers to the post of Executive Engineer. Under the Recruitment Rules, 1975 both the categories of Assistant Engineers were eligible for promotion to the post of Executive Engineer; but under the rules enforced with effect from 30.4.88 the diploma holder Assistant Engineers were not eligible. The ^{/impugned} promotions were made on 25.4.89 i.e. after the enforcement of the rules. The applicants plea therefore was that ^{/since} the private respondents were promoted after the enforcement of the new rules they did not fall in the field of eligibility and accordingly their promotion was illegal.

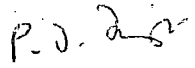
4. In the reply affidavit ^{/filed} on behalf of the respondents No.1 to 4 it was asserted that the private respondents

were promoted only on adhoc basis and on consideration of the fact that 8 years service in the lower grade were required which the applicants had not completed but the private respondents had almost completed. The learned counsel for respondents has conceded that they had not completed 8 years but they had completed about 7 years.

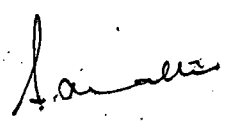
5. Shri P.H.Ramachandani placed before us a photo-copy of the order dated 1.8.91 which shows that the respondents 5,7,8,9 and 10 have been reverted to the post of AEs(Civil) with effect from 1.8.91 afternoon. This order covers all the respondents except Respondent No.6 Shri D P Mandal. Shri P.H.Ramachandani is unable to make any statement regarding this party.

6. From the facts brought on record it appears that the application has become infructuous and it is perhaps for this reason that the learned counsel for the applicant has not received instructions.

7. In view of the above, the application is dismissed as infructuous. There shall be no order as to costs.


(P.T. THIRUVENGADAM)
Member(A)
20-10-94

LCP


(S.C. MATHUR)
Chairman
20-10-94