

(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.Thiruvenagadam, 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 Shri Raj Singh  
Asst Engineer(Civil)  
CCW  
All India Radio  
T.U.Centre  
Mirchmai 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, Maharashtra
6. Sh.R M Garg  
s/o Sh. J.K.Garg  
B-45, NUSE 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, NDSE 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  
Siliguri

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

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 Engineers. 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 impugned not eligible. The ~~1~~ promotions were made on 25.4.89 i.e. after the enforcement of the rules. The applicants plea therefore was that ~~1~~ the private respondents were promoted after the enforcement of the new rules they did not fall in the field of ~~1~~ eligibility and accordingly their promotion was illegal.
4. In the reply affidavit <sup>filed</sup> on behalf of the respondents No.1 to 4 it was asserted that the private respondents

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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. Thiruvenkadam

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

S.C.Mathur

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

LCP