

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

O.A. No. 1576 of 1988

1st day of November, 1993

Hon'ble Mr. J.P. Sharma, Member (J)
Hon'ble Mr. B.K. Singh, Member (A)

N.D. Sharma,
S/o Late Shri A.P. Sharma,
Assistant Surveyor of Works
(Aviation), C.P.W.D., East Block,
R.K. Puram, New Delhi.

..... Applicant

By Advocate: Shri Ashish Kalia, proxy for Shri
R.L. Sethi, Counsel

Versus

Union of India, through
Director General of Works,
C.P.W.D., Nirman Bhawan,
New Delhi.

..... Respondents

By Advocate: None for respondents.

ORDER (ORAL)

Hon'ble Mr. J.P. Sharma, Member (J)

The applicant, Shri N.D. Sharma, joined CPWD as Junior Engineer sometime in 1955. He has been given regular promotion to the grade of Assistant Engineer as shown in the seniority list dated 25.4.1986 w.e.f. 25th January 1979. The grievance of the applicant is that Shri S.N. Saha, Shri B.S. Jolly and Shri Kuldeep Singh whose names exist at Sl. No. 67, 68 and 69 of the aforesaid seniority list joined in June 1955 like the applicant. But they have been given regular promotion to the grade of Assistant Engineer, w.e.f. 31.12.1973.

3. In this application the applicant has prayed for the grant of reliefs that the respondents be directed (i) to give him regularisation to the post of Assistant Engineer on the basis of initial ad hoc promotion from 17.9.73/31.12.73 or alternatively from June 1975, the

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date from which the applicant is officiating continuously
(ii) assign him seniority and confirmation accordingly by
interpolating his name at the proper place in their
seniority list.

3. A notice was issued to the respondents who contested the application and opposed the grant of relief prayed for. In the reply it is stated that according to the Central Engineering Service, Class II Recruitment Rules 1954 promotion of Junior Engineers to the grade of Assistant Engineers is to be made by selection from permanent Jr. Engineers. In 1955 it was decided that the promotion from the grade of Jr. Engineer shall be 50% from diploma holders and 50% from degree holders. This was challenged in the Delhi High Court which was quashed and the promotions thereafter were made from amongst permanent Jr. Engineers without fixing any quota for any group. Again in 1973 the Jr. Engineers who were holding degrees represented to the Government and the Government pending the decision of the matter finally on the aforesaid policy made ad-hoc promotions to the post of Assistant Engineer without keeping any lien on the post. This led to promotion of Jr. Engineers on ad-hoc basis from time to time. Ultimately the Recruitment Rules were amended with effect from February 1977 and 50% of the vacancies were to be filled up by limited departmental examination and 50% by selection from permanent Jr. Engineers. Again a writ petition was filed before the Delhi High Court contending that the

1977 Recruitment Rules should not be given retrospective effect and the Hon'ble High Court by the order of November 1978 ordered the government to fill up clear vacancies but no ad-hoc promotees were to be reverted till decision in the matter. The Government thereafter decided that the amended RRs of 1977 shall be applied to the vacancies occurring on or after 5.2.77 only and not to vacancies which arose before 5.2.77. Therefore before 1977 the promotion was 100% by selection.

4. In view of the above facts the applicant cannot be equated with the diploma holding engineers shown at Sl. No. 67, 68 and 69 of the seniority list.

5. We therefore find that the reliefs claimed by the applicant for the regularisation of his initial ad-hoc promotion to the post of Assistant Engineer cannot be from that date but only when the DPC has found him fit on the basis of selection.

6. Further we find that the applicant has since superannuated in July 1992 and the consequential reliefs claimed by him and the application itself for the revision of seniority have become infructuous the applicant having retired from service.

7. None appeared for the respondents and we have perused the counter filed by the respondents and since this is an old matter, we dispose of the same on the basis of pleadings and annexures on record. The O.A. is therefore devoid in merit and therefore is dismissed leaving the parties to bear their own costs.


(B.K. Singh)
Member (A)


(J.P. Sharma)
Member (J)

*VPC