



**Central Administrative Tribunal
Principal Bench, New Delhi**

**O.A. No. 491/2021
M.A. No. 582/2021
MA No.610/2021**

This the 01st day of March, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

1. Ajay Mohan Joshi (Group 'B')
S/o Late Gopal Dutt Joshi
R/o Flat No. – 475, Aadarsh Appart,
Pocket 16, Sector-03,
Dwarka, New Delhi – 110076
2. Rajpal Singh, (Group 'B')
S/o Shri Rai Singh Negi
R/o H. No. 112/8, Lane No. 6A,
Post Office Road Clement Town
Dehradun, Pin-248002
3. Bishamber Dayal (Group 'B')
S/o Shri Bhale Ram
R/o H.No.-188, Jain Mohala,
Village PO-Khera Kalan,
Delhi, Pin – 110082
4. Puran Singh (Group 'B')
S/o Shri Bishan Singh
R/o Vill-Chantana,
Post-Thali (Danya), Dist – Almora,
Uttarakhand – 263622
5. Sahipal Singh (Group 'B')
S/o Shri Chhatar Singh
R/o H. No. 07, Near Negi Restaurant,
Nakronda, Dehradun
UK-248008
6. Vinod Singh Rana (Group 'B')
S/o Late Mahanand Singh Rana
R/o Monal Enclave,
Banjara Wala, Dehradun



7. Satendra Singh Rawat (Group 'B')
S/o Shri Anand Singh Rawat
R/o H. No. 237, Defence Colony,
PO-Milap Nagar, Roorkee,
Dist-Haridwar (UK) Pin 247667
8. Atar Singh Tomer (Group 'B')
S/o Late Kalyan Singh
R/o H. No. – 5/38Z-119,
Prem Nagar, Gali No-01, Banna Devi,
Dist Aligarh, UP, Pin- 202001
9. Ujagar Lal (Group 'B')
S/o Late Manphool Singh
R/o Vill-Hajipur, Post – Kailai,
Teh- Bhpgnipur, Dist-Kanpur,
UP, Pin-2090312
10. Satyendra Singh Rawat (Group 'B')
S/o Shri Sher Singh Rawat,
R/o C/o Surt Singh Rawat,
Anand Nagar,
Lane No.-03, Suman Colony,
Balawala, Dehradun Pin-248001
11. Amresh Kumar Pal (Group 'B')
S/o Shri Brijbilas Pal
R/o 9/263, Jankipuram Extension,
Lucknow, UP, Pin – 226021
12. Ashok Kumar M. (Group 'B')
S/o Shri Madhavan Pillai,
R/o Ashok Kumar,
Manakkattu House, V
Ayanakom Nikkamal,
Post – Oachira Kollam,
Kerala, Pin – 690533
13. Amresh Pratap Singh, (Group 'B')
S/o Late L.B. Singh,
R/o H. No. 14A, Himcity Colony, Kanchanpur,
Matiyari, Chinhat, Lucknow, UP-226028
14. Ajay Kumar, (Group 'B')
S/o Late Makhodar Yadav,
R/o Vill-Banpurvan,
Post-Majhgawan Kallan,
Teh-Kerakat,



Dist-Jaunpur, UP-222146

15. Ram Dayal, (Group 'B')
 S/o Late Ganga Ram
 R/o H. No. – 84F/7A,
 Chan Poonghat Pool, Mundera,
 (Chandraul Hospital Hali)
 Post-Dhooman Ganj,
 Allahabad, UP, Pin-211011
16. Narendra Pratap Rajbhar (Group 'B')
 S/o Late Shri Kanhai Rajbhar
 R/o Vill-Gopalpur,
 Post-Orasan (Jakhanian)
 Dist-Ghazipur, UP-275203
17. Raj Pal (Group 'B')
 S/o Shri Mahabir Singh
 R/o Vill – Dhani Bhakhra,
 Post-Jhumpa Kalan,
 Teh-Bhiwani,
 Haryana, Pin-127046
18. Vikram Singh (Group 'B')
 S/o Shri Trilok Singh,
 R/o C-69, Lakhmi Vihar,
 Post-Medical Officer,
 Dist-Meerut, UP -250004. ... Applicants
 (through Sh. Ankur Chhibber, Advocate)

Versus

1. Union of India
 Through its Secretary,
 Ministry of Defence, South Block, New Delhi -110001
2. The Engineer-in-Chief (Army),
 Chief Engineer's Office,
 Thimayya Marg, Near Gopinath Bazaar,
 Kabul Lines, Delhi Cantonment,
 New Delhi – 110010
3. Directorate General (Pers)
 HQ Military Engineer Services,
 Kashmir House, Rajaji Marg,
 New Delhi – 110011. ... Respondents

(through Sh. K.M. Singh, Advocate)



ORDER (Oral)

Justice L. Narasimha Reddy, Chairman:

MA No. 582/2021

This Application is filed with a prayer to condone the delay of 395 days in filing the OA. For the reasons stated in the MA, the same is allowed.

OA No.491/2021

2. The applicants retired from Military Engineering Services (MES). There used to be a facility of reemployment of the retired persons, under the 2001 Recruitment Rules for the post of Junior Engineer of different categories. The rules were amended in the year 2011. Earlier, the qualification used to be Degree in Civil Engineering from a recognized University or three years Diploma in Civil Engineering from recognized Institute or University or Board, and two years Diploma from the Military Engineering College (CME) Pune, was also treated as equivalent. In the year 2011 amendment, the equivalent part of it was omitted, and thereby the applicants did not become eligible for re-employment.

3. Earlier, they filed OA No.2333/2018 with a prayer to direct the respondents to remove the anomaly in the Rules. The OA was disposed of with a direction to the



respondents to take necessary steps in this behalf. An order was passed on 25.01.2019 stating that the proposal was mooted for amendment of the Recruitment Rules, and it is under consideration by the Ministry. It was also stated that the appointment on re-employment to those posts would commence as soon as the relevant rules are published. The applicants feel aggrieved by the nature of response by the department. According to them, an immediate action ought to have been taken to amend the Recruitment Rules by removing the anomaly, and on account of the delay, they are put to serious hardship.

4. We heard Shri Ankur Chhibber, learned counsel for the applicants and Shri K. M. Singh, learned counsel for the respondents.

5. There was a substantial change as to the qualifications stipulated under the 2001 Rules on the one hand, and 2011 amendments, on the other hand. It is not known as to whether the clause pertaining to equivalence of the Diploma was omitted accidentally, or on the basis of a conscious decision. As of now, there is a proposal from the lower level of Ministry, for amendment. A final decision in this behalf needs to be

taken, particularly, when the process of re-employment is put on hold.

6. We, therefore, dispose of the OA directing the respondents to finalize the issue pertaining to the proposal for amendment of the recruitment rules for the post of Junior Engineer, by way of re-employment, within a period of two months from the date of receipt of a copy of this order. We make it clear that we do not express any view on merits of the matter.

All ancillary applications shall stand disposed of. There shall be no order as to costs.

**(Mohd. Jamshed)
Member (A)**

**(Justice L. Narasimha Reddy)
Chairman**

/pj/ns/ankit/akshaya/