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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA No.647/86

NEW DELHI THIS THE 27TH DAY OF MAY, 1994.

**MR. JUSTICE S.K.DHAON, VICE-CHAIRMAN (J)**  
**MR. B.N.DHOUDIYAL, MEMBER (A)**

Sh. Pyare Lal  
Asstt. Executive Engineer  
(Electrical)  
S/o Shri Uday Singh,  
R/o A-792, Khyala Resettlement Colony,  
New Delhi-18. ....APPLICANT

NONE FOR THE APPLICANT.

Vs.

1. Union of India  
through the Secretary,  
Ministry of Urban Development  
Nirman Bhavan  
New Delhi.
  2. The Director General (Works)  
Central Public Works Department  
Nirman Bhavan,  
New Delhi-11.
  3. The Chief Engineer (North Zone)  
C.P.W.D. East Block No.1  
R.K. Puram, New Delhi.
  4. The Engineer Officer,  
Office of Chief Engineer  
(North Zone) C.P.W.D.  
East Block No.1  
R.K. Puram, New Delhi.
  5. Sh. Paul T. Joseph  
Executive Engineer (Electrical)  
Hindon Central Electrical Division  
C.P.W.D., Hindon Air-Field,  
Ghaziabad, U.P.
  6. Sh. Pramod Kumar Garg  
Executive Engineer (Electrical)  
Lucknow Central Electrical Division  
C.P.W.D., Lucknow.
  7. Shri Kuldeep K. Peshin,  
Executive Engineer (Electrical)  
Srinagar Central Electrical Division,  
C.P.W.D., Sri Nagar, J&K.
  8. Sh. Jai Mangal Paswan  
Executive Engineer (Electrical)  
Dr. Ram Manohar Lohia Hospital  
Electrical Division  
CPWD, Dr. Ram Manohar Lohia Hospital,  
New Delhi. ...RESPONDENTS
- NONE FOR THE RESPONDENTS.

ORDER (ORAL)

Justice S.K. Dhaon:

Three contentions have been advanced in support of this OA. They are:

- (i) the appeal preferred by the applicant against the adverse entry given in

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the ACR for 1982-83 is still pending.

- (ii) the representation of the applicant against the adverse entry given in ACR of 1983-84 is still pending. The authority concerned should be directed to dispose of the appeal as well as the representation expeditiously.
- (iii) the applicant has been made junior to respondent No.7, namely Sh. Kuldeep K. Peshin. The order promoting the said respondent No.7 may be quashed.

2. A counter-affidavit has been filed by respondent No.7. Therein, it is averred that as per the Press Note issued by the UPSC for Engineering Services Examination, 1979, he (respondent No.7) stands in the order of merit at Serial No.37 whereas the applicant stands at Serial No.88. It is also averred that as per the seniority list issued on 17.7.1984, respondent No.7 is at Serial No.53 and the applicant is at Serial No.57.


3. The learned counsel for the applicant has stated that if the appeal and the representation of the applicant are allowed and on that basis due promotion is given to him (the applicant), the question of striking off the promotion of respondent No.7 may not arise.

4. The relevant competent authority is directed to dispose of the appeal and the representation, abovementioned, of the applicant as expeditiously as possible but not beyond a period of three months from the date of presentation of a certified copy of this order by the applicant before him. If the appeal and the representation are allowed, the relevant authority shall consider the question of promotion

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of the applicant in the light of the fact that the adverse remark no longer exists. If an occasion arises for determining the seniority inter se between the applicant and respondent No.7, the authority concerned shall take into account the aforementioned averments made by respondent No.7 in his counter-affidavit. If an order adverse to respondent No.7 is proposed to be passed, he(respondent No.7) shall be afforded an opportunity of hearing.

5. With these directions, this OA is disposed of finally. There shall be no order as to costs.

  
(B.N.DHOUNDIYAL)  
MEMBER(A)  
SNS

  
(S.K.DHAON)  
VICE-CHAIRMAN(J)