

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

O.A. NO. 149/90

New Delhi this the 16th day of June, 1994.

Shri S.R. Adige, Member(A).

Mrs Lakshmi Swaminathan, Member(J).

1. Arun Kumar Singh
2. Girish Kumar
3. Om Parkash
4. Kamal Kishore Joshi
5. Prem Chand
6. P.C. Chanana
7. P.S. Dewvedi
8. J.S. Kharb
9. Roshan Singh
10. Pradeep Kumar Sharma
11. Amit Soria Sharma
12. Kallu Khan
13. Sudhish Kumar Sharma
14. Chandra Prakash
15. Bhagwan Rai
16. Jagdish Prasad
17. Madan Lal
18. Bal Krishan Sharma
19. S.P. Alagappan

(All Junior Engineers in Central Public Works Department, Ministry of Urban Development, New Delhi).

...Petitioners.

By Advocate Shri G.K. Aggarwal.

Versus

1. Union of India through Secretary, Ministry of Urban Development, Nirman Bhawan, New Delhi.

2. Union Public Service Commission,
through its Secretary,
Dholpur House, Shahjahan Road,
New Delhi. ... Respondents.

None for the respondents.

ORDER

Shri S.R. Adige.

In this application, Shri Arun Kumar Singh and 18 others, all Junior Engineers in Central Public Works Department, have prayed for quashing of the Assistant Engineers (CPWD) Limited Departmental Competitive Examination, 1989 and for holding fresh examination after reviewing the entire examination scheme.

2. The applicants state that 50% of the posts of Assistant Engineers are filled by:

- (i) promotion from amongst Junior Engineers by a D.P.C.; and
- (ii) through a Limited Departmental Competitive Examination conducted by the U.P.S.C. from amongst Junior Engineers.

2. This examination was conducted in 1978, 79, 82, 83 and in 1989. The applicants state that they appeared in the said examination which was held on 30.12.1989. However, this examination suffered from the defect that instead of the question papers being set in the Metre-Kilogram-Second (MKS) system, they were set in the SIU (International System of Units) system which is different from other systems, including MKS system, and these operated to the disadvantage of the applicants, as they did not know the conversion factor into the MKS system, and could not decypher the symbols.

3. The second ground on which they seek to quash the said examination is that the distribution marks for the written test is 600 marks while for the service

records it is 200 marks which, according to them, is too heavily ~~weighed~~ ^{weighed} in favour of a written examination, and not sufficiently in favour of the service records.

4. In so far as the first ground is concerned, the respondents in their reply pointed out that there has been no violation of Metric Units. The rules provide for Metric Units and the papers have been set in Metric Units. S.I. Units are only a modified or improved version of M.K.S.. After perusing the material on records, we are satisfied that the units in which the question papers were set is only a modified version of the M.K.S. system and both the SIU System as well as M.K.S. system are based on the Metric system. Therefore, the reasons advanced by the applicants give no cause to quash and set aside the 1989 examination.

5. As regards the second ground, the respondents have pointed out that the distribution of marks comes within the examination rules which have been framed and notified by the Government of India, Ministry of Urban Development in consultation with the Union Public Service Commission. They correctly state that it is within the competence of the Government to frame rules and prescribe standards for the examination with a view to select the best available candidates within the department for promotion to the posts of Assistant Engineer. They further state that the same weightage for written examination was prescribed in the rules of this examination held in the previous years also. We agree with this view expressed by the respondents and see no reason to interfere with ~~the same~~ ^{the same}.

6. In the result, this application fails and it is dismissed. No costs.

Lakshmi Swaminathan
(LAKSHMI SWAMINATHAN)
Member(J)

S.R. Adige
(S.R. ADIGE)
Member(A).