

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No.1432 OF 2004
M.A. No.1213 OF 2004

New Delhi, this the 4th day of June, 2004

HON'BLE SHRI JUSTICE V.S. AGGARWAL, CHAIRMAN
HON'BLE SHRI R.K. UPADHYAYA, ADMINISTRATIVE MEMBER

1. Gianendra Kumar
Plot No.22-B, Borde Layout
Friends Colony
Katol Road, Nagpur-13.
2. Hari Om Singh
Agartala Centre Division
C.P.W.D. Agartalla
Tripura.
3. Kanhaiya Lal
83, Seemant Vihar
Kaushambi Ghaziabad
U.P.
4. Vipin Kumar Sharma
187, Shalimar Garden
Extension-1
Sahibabad, Ghaziabad
UP

..Applicants

(By Advocates: Shri P.P.Khurana, senior counsel and
Ms. Seema Pandey is along with him)

Versus

1. Union of India
through Director General (Works)
Head of Central Public Works Department
M/o Urban Development & Poverty Alleviation
Nirman Bhawan, N. Delhi-11
2. Additional Director General (Training)
CPWD, 'E' Wing, Nirman Bhawan
New Delhi-11

..Respondents

ORDER (ORAL)

SHRI JUSTICE V.S. AGGARWAL:-

MA 1213/2004

MA 1213/2004 is allowed subject to subject to
just exceptions. Filing of a joint application is
permitted.

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OA 1432/2004

The applicants have earlier approached this Tribunal by filing OA-288/2003. The same was decided on 30.5.2003 by this Tribunal. The operative part of the same reads:-

"6... On the other hand, the decision in the O.A. will follow from the decision of the Tribunal in Ajmer Singh's case (supra). In this view of the matter, we dispose of this O.A. that the decision in the present case shall abide by the decision of the Tribunal in Ajmer Singh's case (supra). No order as to costs."

2. It becomes ^{un- *cd*} necessary to dwell into all other details pertaining to the case of Ajmer Singh & another v. Govt. of India through Director General, CPWD (OA-1874/2001) but suffice to say that in OA-288/2003 in which a decision has been passed based on the decision in Ajmer Singh's case (supra), the applicants herein were not the parties.

3. The case of Ajmer Singh (supra) had been finally disposed of with the following directions:-

"7. Having regard to the principles laid down in order dated 15.2.1999 in OA Nos. 2239/1998 and 2526/1998 (Annexure-2), we are of the firm view that adjustment of 61 excess LDCE promotions prior to 1993 against the year 1993-94 at one go is totally unjustified. As a matter of fact, respondents should not have resorted to excess recruitment to such an extent from LDCE 1992. If at all administrative exigencies warranted adjustment it should have been kept within reasonable limits. In any case, such a large number could not have been adjusted against the vacancies of one year. They could have been evenly spread over a period of time. In the interest of justice and finding merit in the contentions

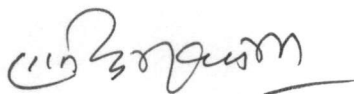
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raised on behalf of applicants, though we do not intend issuing any directions adversely affecting the rights of the private respondents at this stage, we direct respondents to declare results of 55 more candidates, i.e., beyond merit rank 336 and upto 391, in view of the declared number of vacancies of 391 for LDCE 1999. All these 55 candidates should be adjusted against the 1994-95 LDCE quota. 6 candidates of 61 adjusted from LDCE 1992 against 1993-94 would be adjusted against 1993-94 quota. The remaining excess of LDCE 1992 should be equitably adjusted in the remaining years upto 1998-99. 55 candidates from LDCEE 1993 whose result would be declared and promoted under LDCE quota shall be given consequential benefits. The entire exercise as directed above shall be completed by respondents within a period of three months from the date of receipt of a these orders."

4. By virtue of the present application, the applicants seek that decision of OA-1874/01 should be made available in case of the applicants herein, for the vacancies of the year 1998-99.

5. We would have entertained the original application and gone into the merits of the same but the sequence of events, which we have referred to above, clearly show that it has already been decided by this Tribunal in OA-288/03 that the decision so passed in Ajmer Singh's case (supra) will be applicable in that OA. Once the Ajmer Singh's case has been decided, necessarily the applicants need not to file the present original application. The remedy in the first instance would be available for them by filing a miscellaneous application.

6. Subject to aforesaid, the present application is disposed of.



(R.K. UPADHYAYA)
ADMINISTRATIVE MEMBER



(V.S. AGGARWAL)
CHAIRMAN