

Central Administrative Tribunal
Principal Bench, New Delhi.

OA-449/2004

And

OA-450/2004

New Delhi this the 11th day of October, 2004.

Hon'ble Shri V.K. Majotra, Vice-Chairman(A)
Hon'ble Shri Shanker Raju, Member(J)

OA-449/2004

1. Chander Singh Rawat,
D-190, Gali : 8, Laxmi
Nagar, Delhi-92.
2. Rajesh Mohan,
C-11, CPWD Trg. Institute,
Kamla Nehru Ngr.,
Ghaziabad-201002.
3. Ram Lekhan Gupta,
G-31A, 1st Floor,
Shakarpur,
Delhi-110092.

..... Applicants

(through Sh. P.P. Khurana, Sr. Counsel with Ms. Seema Pandey)

Versus

1. Union of India through
Director-General (Works),
Head Deptt., CPWD, M of UD&PA,
Nirman Bhawan,
New Delhi-11.
2. Addl. Director General(Training),
CPWD, 'E' Wing, Nirman Bhawan,
New Delhi-11.

..... Respondents

(through Sh. S.M. Arif, Advocate)

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1. Bhamesh Kumar,
5/117, Sector-II,
Rajendra Nagar,
Sahibabad-201005.

2. Rakesh Kumar,
(RK Sharma)
0-31, Sector-12,
Noida-201301.

Applicants

(through Sh. P.P. Khurana, Sr. Counsel with Ms. Seema Pandey)

Versus

1. Union of India through
Director General(Works),
Head of Department,
CPWD, Ministry of Urban
Development & Poverty Alleviation,
Nirman Bhawan,
New Delhi-11.

2. The Addl. Director General
(Training), CPWD, 'E' Wing,
Nirman Bhawan,
New Delhi-11.

Respondents

(through Sh. S.M. Arif, Advocate)

Order (Oral)

Hon'ble Shri Shanker Raju, Member(J)

As these two OAs are grounded on the same set of facts involving the common question of law, they are being disposed of by this common order.

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2. Applicants in both these OAs are Junior Engineers (Electrical) having acquired eligibility for further promotion on completion of 4 years regular service as on 1.1.1998.
3. Regular promotion to the next grade of Assistant Engineer (Electrical) in CPWD is 50% through Departmental Promotion Committee and 50% through Limited Departmental Competitive Examination (for short LDCE). LDCE 2002 was notified on 3.5.2002 for vacancies of the years 2000-2001 and 2001-2002. Applicants took LDCE 2002. Result was published on 17.3.2003. Applicants' names did not figure.
4. Through these OAs, applicants seek declaration of result of LDCE 2002 and their promotion with consequential benefits.
5. Earlier in OA-1357/2003 Junior Engineers (Civil) have assailed LDCE 2002. On a short fall and miscalculation of vacancies, directions were issued on 29.4.2004 to recalculate the vacancies and consider the case of applicants therein who participated in LDCE 2002. This order of the Tribunal was complied with vide Office Memo dated 10.9.2004.
6. Learned Senior Counsel Shri P.P. Khurana appearing with Ms. Seema Pandey contends that in all fours the case of the applicants is covered as there is non-reporting and miscalculation in determining the vacancies for Assistant Engineer(Electrical), this requires reconsideration of the respondents.
7. On the other hand respondents' counsel Sh. S.M. Arif vehemently opposed the contentions and denied the averments made by the applicants. According to them, the

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applicants' request for change of vacancies cannot be countenanced, as rules have been followed to fill up the same.

8. We have carefully considered the rival contentions of the parties. As the issue raised of non-reporting and miscalculation of vacancies is not denied specifically, we are in all agreement with the decision in OA-1357/2003, which has attained finality on its execution by the respondents. We, therefore, dispose of the present OAs with directions to the respondents to recalculate the vacancies for Assistant Engineer (Electrical) for those who appeared in LDCE 2002 along with other similarly circumstance persons and if the applicants make the grade on the basis of the increased vacancies, they shall be considered for promotion as regular Assistant Engineer (Electrical) and in that event shall be entitled to all consequential benefits. These directions shall be complied with within a period of three months from the date of receipt of a copy of this order. No costs.

9. A copy of this order be kept in OA-450/2004 as well.

S. Raju
(Shanker Raju)
Member(J)

V.K. Majotra
(V.K. Majotra)
Vice-Chairman(A)
11.10.04

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