

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

O.A. No. 1476 of 1992
New Delhi, dated the 15th July, 1997

HON'BLE MR. S.R. ADIGE, MEMBER (A)
HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

Shri Narinder Pal Singh,
Junior Engineer (C),
Div. No.27, (DA),
8th Floor, M.S.O. Building,
I.P. Estate,
New Delhi-110002.

... Applicant

(None appeared)

Versus

1. The Director General of
Works No.1,
C.P.W.D., Nirman Bhawan,
New Delhi.

2. The Secretary,
U.P.S.C.,
Dholpur House, Shahjahan Road,
New Delhi.

.... Respondents

(By Advocate: Shri K.R.Sachdeva)

ORDER (Oral)

HON'BLE MR.S.R. ADIGE, MEMBER (A)

Applicant impugns the results of Limited Departmental Competitive Examination held in December, 1989 for promotions to the post of Asst. Engineer, CPWD from amongst Junior Engineers who have put in a minimum of four years service in the grade, and for quashing the consequential promotions ordered on 26.4.91 and supplementary Select List published on 7.5.92.

2. The main grounds taken in the O.A. are that the actual number of vacancies were not

2

correctly calculated. It is contended that as a result of cadre review 559 vacancies in the grade of A.E. became available and none of these had been taken into account in determining the total number of vacancies available.

3. None appeared for applicant when the case was called out. We note that this case was on board since 2.7.97. Shri K.R. Sachdeva for Respondents appeared and has been heard.

4. Shri Sachdeva has stated that 173 vacancies ^{"A.E.(Civil) (PND)"} had been notified for LDC Exam. in question. Thereafter the number of vacancies was sought to be reduced to 119. This reduction in the vacancies was challenged in O.A. No. 897/91 and by judgment dated 28.9.92 in the said O.A. Respondents were directed to fill up 173 posts of AE(C) as originally notified. Accordingly Respondents prepared a panel and had made promotions against 173 posts of AE (C). Applicant who was JE (C) had also appeared in the said examination but could not find a place in the list of successful candidates. In the Respondents reply it has stated that the LDC Exam. is a competitive qualifying examination and ~~no~~ candidate has no claim for promotion as a matter of right. These averments have not been denied by applicant in rejoinder.

12

5. No materials have been shown to us to lead us to believe that the number of vacancies of AE (Civil) when the LOCE was held in 1989 were indeed anywhere near the number averred by applicant, and in the light of what has been stated above, prima facie we have no reason to doubt the correctness of the calculation of available vacancies by respondents. We also see no infirmity in the procedure followed by Respondents in conducting the said LOCE which warrants our judicial interference.

6. Under the circumstances the OA stands dismissed. No costs.

Lakshmi Swaminathan
(Mrs. Lakshmi Swaminathan)
MEMBER(J)

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

/GK/