

(10)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH : NEW DELHI

With Nos. 1785/1992  
2586, 4098/92

DATE OF DECISION 30.12.92

Sh. B. P. Bindal and others ..... Applicants

V/s

Union of India ..... Respondent

FOR THE APPLICANT ..... Sh. G. K. Aggarwal,  
Counsel.

FOR THE RESPONDENTS ..... Ms. Jasvinder Kaur,  
Counsel for the  
Respondents.

CURAM

1. Hon'ble Mr. Maharaj Din, Member(J)
2. Hon'ble Mr. I. P. Gupta, Member(A)

( ORAL ) JUDGEMENT

(Delivered by Mr. I. P. Gupta, Member(A))

In this application filed under Section, 19 of the Administrative Tribunals Act the applicant has requested for making promotions from the grade of Executive Engineer to the grade of Supdt. Engineer in Central Engineering Services Group 'A' in C.P.W.D. on the basis of seniority list of Executive Engineers to be corrected in pursuance of the corrected seniority list of Assistant Engineers finalised on 12.8.92. The contents

of the learned counsel for the applicant is that in pursuance of the judgement of the court in the case of R.L.Bansal and others 1348/88(decided on 8-5-1992) the respondents have issued a corrected seniority list of Assistant Engineers on 12-8-92. Consequent upon issue of this corrected seniority list, the promotions to the post of Executive Engineers have also to take place according to the corrected list but this has not been done by the respondents so far and they are making adhoc promotions to the grade of Superintending Engineer on the basis of old seniority list of Executive Engineers, which becomes untenable consequent upon the judgment of the Apex Court in Bansal's case(Supra). The learned counsel for the respondents said that the D.P.C. has to sit for making promotions for past several years according to the revised and corrected seniority list of Assistant Engineers dated August, 1992 and the departmental formalities would take some more time. Mean-while for administrative exigency the respondents are working on old seniority list for making promotions on adhoc basis without conferring any right.

2. We have heard both the counsels. Having corrected the seniority list of Assistant Engineers

.3.

12

71

in August, 1992 in pursuance of the judgment of the Apex Court, the respondents must work out the correct seniority list of Executive Engineers by following the procedure namely getting recommendations of the appropriate DPC etc. for promotion. Any further promotion to the post of Superintending Engineer on the basis of a list which is known to be untenable is not justified.

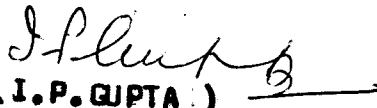
3. In view of the above the respondents are directed:-


- (i) to work out the correct seniority list of Executive Engineers by considering promotions following the prescribed procedure, in pursuance of the corrected seniority list of Assistant Engineers of August, 1992 and the corrected seniority list of Executive Engineers should be finalised within a period of 4 months from the date of communication of a copy of this order.
- (ii) Mean-while no promotion should be made hence-forward on the basis of the old seniority lists, which got <sup>a</sup> affected by the orders of the Apex Court in Bansal's case. Even adhoc promotions to the post of Superintending Engineer should not be resorted to hence forward on the basis of old lists as it gives a cause

of grievance to those who would be senior on modification of seniority <sup>s</sup> <sub>h</sub> and would get left out for no fault of theirs.

- (iii) the cases of the applicants for promotion to the post of Executive Engineers and upwards on the basis of corrected seniority list of AEs. should be considered according to the prescribed procedure from the appropriate dates notional. These notional promotions should be available even to those who have retired meanwhile subject to their suitability etc. according to the rules.

4. With the aforesaid directions and orders the DA is disposed of with no order as to the costs. The MPs stand disposed of with the passing of this order.

  
(I.P. GUPTA)  
MEMBER(A)

  
(BAHARAJ DIN)  
MEMBER(J)