

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

OA-1841/93

DATE OF DECISION

6-9-93

Sh. N. P. Singh**Petitioner**Sh. R. L. Sethi,**Advocate for the Petitioner(s)****Versus**U.O. I. & Ors through DG(W)**Respondent**None**Advocate for the Respondent(s)****CORAM****The Hon'ble Mr. I. K. Rasgotra, Member(A)****The Hon'ble Mr. B. S. Hegde, Member(J)**

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

JUDGEMENT (ORAL)**(delivered by Sh. I. K. Rasgotra, M(A))**

We have heard **Shri R. L. Sethi**, counsel for the petitioner. The petitioner who is working as Jr. Engineer in C.P.W.D. has prayed for the following reliefs:-

- "i) to determine the actual accurate number of vacancies for LDCE 1992.
- ii) to expedite the final decision on the second cadre review.
- iii) to announce LDCE 1993 on the basis of vacancies arising after 1.4.93 and
- iv) discontinue arbitrary discrimination with regard to eligibility criteria of 4 years for Examination quota inter se 15 years for promotees.

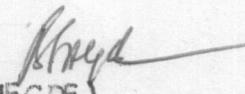
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2. Learned counsel for the petitioner submitted that there is a lot of stagnation in the cadre of Junior Engineers. The petitioner submitted a representation on 30-12-92 and since respondents have not given any reply, he has filed this OA seeking the reliefs mentioned above. The grievance ventilated in the representation by the petitioner is that in LDCE for 1992 the vacancies which arose and during the years 1990, 1991 and 1992/anticipated vacancies upto March, 1993 have been bunched up. The petitioner himself admits that the LDCE examination was held in 1989 and thereafter only in 1992. It is therefore, but material that all vacancies which arose during the interregnum of the two L.D.C.E. were taken into account. It was further contended that 54 vacancies have already been given to 1989 examination quota by forming short and defunct penal which are required to be deducted from the vacancies notified by the U.P.S.C. This is not based on any factual material. The next grievance is that Junior Engineer who have rendered 15 years of service are required to be granted the pay scale of Rs 2000-3500 on personal

basis. The petitioner had already rendered 16 years service but he is yet not placed in the said scale of pay. He also appeared in the L.D.C.E. 1992, but the result of the same has not been declared. The first cadre review was done in the year, 1987 by the Government to remove the stagnation in the cadre. The second cadre review has already been sent by C.P.W.D. to Ministry but is being delayed by the Ministry. Due to heavy stagnation, the JE's are not getting promotion to the grade of Assistant Engr., even after putting in 28 years of service. The 1989 L.D.C.E. result is still under adjudication in OA No. 1476/92 and 149/90 and, therefore, the result of L.D.C.E. 1992 should not be published pending final decision of the C.A.T. Lastly, the petitioner contends that the representation that he had already completed 15 years of service on 1.1.92 and qualified in L.D.C.E. 1982 when 30 more vacancies were withheld illegally by the department, resulting in his non promotion. It will be apparent from the above narration that petitioner has claimed multiple reliefs in the OA and secondly representation

does not project any specific grievance.

In view of the above facts and circumstances of the case and having regard to the fact that the petitioner is already a party in OA's 149/90 and 1476/92. We do not see any justification in filing this O.A. We also do not find any merit in the submission made by the learned counsel for the petitioner that a direction be issued to the respondents to dispose of the petitioner's representation dated 30-12-92. Accordingly, we dismiss the OA at the admission stage for the reasons given above.


(B.S. HEGDE)

MEMBER(J)


(I.K. RASGOTRA)

MEMBER(A)

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