

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 382 OF 2009

Tuesday, this the 8th day of July, 2010.

CORAM:

**HON'BLE Mr. GEORGE PARACKEN JUDICIAL MEMBER
HON'BLE Mr. K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

1. CPWD Junior Engineers' Association (India)
represented by Er. Girish Kumar A.G.,
S/o. (late) P.K. Gopalakrishnan Nair,
Regional President, Southern Region &
Junior Engineer (Civil), Cochin Central Division,
Central Public Works Department,
Kendriya Bhavan, Kakkanad, Ernakulam
residing at "Gokul Sree", Kothakulangara,
Angamaly P.O., Ernakulam District.
2. R. Mohandas, S/o. (late) K. Raghavan,
Junior Engineer (Civil), Cochin Central Division,
Central Public Works Department,
Kendriya Bhavan, Kakkanad, Ernakulam.
residing at "Krishna Kripa", No. IX/201,
M.V. Paul Road, Kusumagari P.O.,
Kakkanad, Kochi – 682 030. **Applicants**

(By Advocate Mr. T.C. Govindaswamy)

Versus

- 1 Union of India, represented by
the Secretary to the Government of India
Ministry of Urban Development & Poverty
Alleviation, Nirman Bhawan,
New Delhi.
- 2 The Director General of Works,
Central Public Works Department,
Nirman Bhawan, New Delhi.
- 3 The Additional Director General (Training),
Central Public Works Department,
Room No. 329-A, B-Wing,
Nirman Bhawan, New Delhi – 110 011 **Respondents**

(By Advocate Mr. Sunil Jacob Jose, SCGSC)



The application having been heard on 8.7.2010, the Tribunal on the same day delivered the following:

ORDER

HON'BLE Mr. GEORGE PARACKEN JUDICIAL MEMBER

This is the second round of litigation of the applicants before this Tribunal. Earlier they had filed O.A 290/07 challenging the Annexure A-1 DOPT UO No. 2136/05-CS-III dated 19.06.2006, wherein it was decided that the past service of the Junior Engineers from All India Radio redeployed in CPWD may be counted for the purpose of appearing in Limited Departmental Competitive Examination for promotion to the grade of Assistant Engineer in CPWD but the same was not to be counted for the purpose of seniority in the new organisation and the Annexure-A2 notice dated 07.11.2006 notifying 10.06.2007 as the date for holding the Limited Departmental Competitive Examination for promotion of Junior Engineers (Civil / Electrical) to the Assistant Engineers Grade (Civil / Electrical) in the CPWD by the CPWD Training Institute in accordance with the Recruitment Rules published in the Gazette of India dated 21.06.1997. The aforesaid O.A was disposed of alongwith O.A No. 813/06 and 841/06 by a common order dated 11.10.2007 declaring that surplus staff of the Junior Engineers of the All India Radio redeployed in the CPWD are not entitled to count their past service either for the purpose of seniority or for the purpose of promotion under the Limited Departmental Competitive Examination quota. It was also made clear in the said order that in the case of redeployment of Junior Engineers who have completed the requisite years of service, they may be permitted for promotions in respect of those vacancies which have occurred after their completion of the minimum years of service. The contention of the applicant herein is that in view of the aforesaid orders of this Tribunal, the respondents ought to have finalized the process of selection notified by the said Annexure A-2 notice.

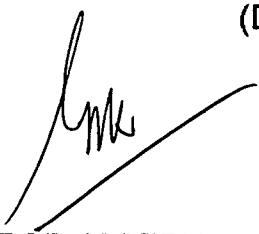
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2. The respondents in their reply have submitted that the aforesaid order of this Tribunal dated 11.10.2007 has been challenged before the Hon'ble High Court of Kerala in WP. (c) No. 32571/09 and the same is still pending. They have also submitted that the Hon'ble High Court of Kerala passed an Interim Order to the effect that the Petitioner (Respondents herein) shall not conduct the examination without obtaining its leave.

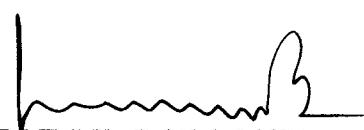
3. In view of the above position, the learned counsel for the applicant Shri. T.C. Govindaswamy as well as the counsel for the respondents, Shri. Sunil Jacob Jose, SCGSC have agreed that this O.A can be disposed of by directing the respondents to follow the judgement of the Hon'ble High Court of Kerala in W.P. (c) 32571/09 (Supra) in the present case also. We agree with the aforesaid submissions of the learned counsel and dispose of this O.A accordingly.

There shall be no order as to costs.

(Dated, the 8th July, 2010.)



K. GEORGE JOSEPH
ADMINISTRATIVE MEMBER



GEORGE PARACKEN
JUDICIAL MEMBER