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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 793/91.

Dt. of Decision : 12-9-94.

Mr. P. Sambasiva Rao

.. Applicant.

vs

1. Union of India rep. by
the Secretary, to the
Govt., Ministry of Urban
Development, New Delhi.
2. Director General of Works,
Central P.W.D., Nirman Bhawan,
New Delhi.
3. Superintending Engineer
Valuation Cell, I.T..Dept.
5-9-201/28, Chirag Ali Lane
Hyderabad.

.. Respondents.

Counsel for the Applicant : Mr. K.S.R. Anjencyulu

Counsel for the Respondents : Mr. N.R. Devaraj, Sr. CGSC.

CORAM:

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (JUDL.)

THE HON'BLE SHRI A.B. GORTHI : MEMBER (ADMN.)

DA 793/91.

Dt. of Order: 12-9-94.

(Order passed by Hon'ble Shri A.V.Haridasan,
Member (J)).

* * *

The grievance of the applicant, who was promoted as Executive Engineer in the Central Public Works Department in the year 1986, is that though he was granted the first increment in the scale of Rs.3,000/-100--4,500/- on 1-8-87, the subsequent increments were not released to him on the ground that he did not pass the accounts test. As the applicant has already crossed the age of 50 years, according to the instructions issued in the matter, he is eligible for exemption from passing the above said test and as his case was recommended by the Superintendent Engineer, the Director General, has, by the impugned order at Annexure-5 refused to grant exemption to the applicant.

It is against this order that the applicant has filed this application for ~~a direction~~ ^{Paying} that the impugned order at Annexure-5 rejecting the request of the applicant for exemption may be set aside declaring it arbitrary, discriminatory offending Article-14 of the Constitution of India and for a direction to the Respondents to grant exemption to the applicant from passing the Departmental Examination on the basis of the Director General letter No.27-E/C-121/84-EC II dt.17-12-1987 and to release his

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increments withheld since 1988.

2. The Respondents in their reply contended that the Director General of Works, the competent authority has considered the case of the applicant with reference to his service record on the basis of the recommendations of the Superintending Engineer and ^{as} _✓ he was not satisfied that the case of the applicant deserves exemption from passing the examination ^{and} _✓ the request/the applicant was rejected. Respondents further contend that the ^{decision} _{case} does not deserve judicial intervention.

3. We have heard Shri K.S.R.Anjaneyulu, learned counsel for the applicant and Shri N.R.Devraj, learned standing counsel for the Respondents. We have also ^{and the file} perused the service record of the applicant, in which _✓ the decision not to grant exemption was taken. On a careful ⁱⁿ scrutiny of the file and service record of the applicant, ^{argument} _✓ we are not able to agree with the ^{contention} _✓ of the counsel for the applicant that the Director General of Works has not applied his mind while rejecting the request of the applicant. The basic conditions for exemption of the Departmental Examination ^{are} _✓ that the individual concerned should have crossed 50 years and he should have a GOOD record of service. Though the applicant satisfied the first condition, the decision of the

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Director General of Works that the service record of the applicant cannot be considered GOOD because of the various gradings in Annual Confidential Records, ^{which} who have been uniformly average cannot be faulted. Therefore we are of the considered view that the case does not deserves judicial intervention. In the result the application fails and the same is dismissed with out any order as to costs.

thursdays
(A.B.GORTHI)

Member (A)

A.V.HARIDASAN
(A.V.HARIDASAN)

Member (J)

Ot. 12th September, 1994.
Dictated in Open Court.

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Prabhakar
DEPUTY REGISTRAR(J)

To

1. The Secretary, to the Min. of Urban Development, Union of India, New Delhi.
2. The Director General of Works, Central P.W.D., Nirman Bhavan, New Delhi.
3. The Superintendent of Engineer, Valuation Cell, I.T. Department, 5-9-201/28, Chirag Ali Lane, Hyderabad.
4. One copy to Mr.K.S.R.Anjaneyulu, Advocate,CAT,Hyderabad.
5. One copy to Mr.N.R.Devraj, SR.CGSC,CAT,Hyderabad.
6. One copy to Library,CAT,Hyderabad.
7. One spare copy.

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per Galay.*

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Approved by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR.A.V.H.RIDHAN : MEMBER(1)

AND

THE HON'BLE MR.A.B.GORTHI : MEMBER

Dated: 12.9.94

ORDER/JUDGMENT.

M.A./R.P/C.P/NO.

in
O.A.NO. 793/91

T.A.NO.

(W.P.NO.)

Admitted and Interim Directions
Issued.

Allowed.

Disposed of with Directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No Order as to Costs.

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