

Annexure "P"

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:: HYDERABAD BENCH

AT HYDERABAD

M.A.414/91
in
M.A. 192/89
in
O.A.No.262/86

Dt.of Decision: 19-6-91

1. The Association of Junior Engineers,
Central Water Commission, New Delhi
Rep. by its Vice-president Sri S.Raja
Rathinam, Junior Engineer,
C.W.C., Hyderabad.

2. S.Rajarathinam
3. V.Venkatarao
4. P.Sivasankara Rao
5. A.V.Naidu
6. D.V.Jagannadha Rao
7. G.Purnachandra Rao
8. K.Nagabhushana Rao
9. S.Nizamuddin
10. P.S.R.Krishnaiah
11. Ch.N.Brahmachari
12. Smt.Nisharani
13. Moosa Hussain
14. Chandrasekhar
15. V.Chandrasekhara Rao
16. E.Subbiah
17. E.Jagadeesan.

... Applicants/Applicants

Vs.

1. The Union of India rep. by its
Secretary to Government, Ministry of
Water Resources, Shramashakti Bhavan,
New-Delhi.

2. The Central Water Commission,
rep. by its Chairman, Seva Bhavan,
R.K.Puram, New-Delhi. ... Respondents/Respondents

Counsel for the Applicants: Shri N.Ram Mohan Rao

Counsel for the Respondents: Shri Naram Bhaskar Rao,
Addl.CGSC

CCRAM:

The Hon'ble Shri B.N.Jayasimha: VICE CHAIRMAN

The Hon'ble Shri D.Surya Rao : Member(Judicial)

(Order of the division Bench delivered by
Hon'ble Shri D.Surya Rao, Member(J)

V.P.C.

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ORDER OF THE TRIBUNAL

Miscellaneous Application No.414/91 has arisen in following Circumstances.

Applicants in O.A.262/86 are non-graduate Supervisor/Head Draftsman working in the Central Water Commission, Government of India. They had filed the original application questioning the rule which prescribed promotion to the post of Assistant Engineer/Extra Assistant Director. Under the rules promotions to the post of Assistant Engineer/Extra Assistant Director must be made by selection by the D.P.C., 50% from among graduate engineers with three years service and 50% from among non-graduate Supervisors/Head Draughtsman with seven years service and after acquiring a Diploma qualification in Engineering. Non-graduate Supervisors/Head Draughtsman questioned the rule/ order which prescribed reservation of 50% for each of the two categories. They also questioned the qualifications prescribing a higher period of qualifying service viz., seven years regular service and non-graduate Supervisors/Head Draughtsman whereas only three years regular service is prescribed for graduate engineers. Following the Principal Bench decision rendered in P.N.Khli vs. Union of India (AIR 1987(2) C.Wt 172), we had by our order dated: 17-11-87 held that the quota of 50% is bad but the prescription of different years of service for graduates and diploma holders is valid. We had accordingly directed the revisions made after 7-8-85 have to be reviewed. We had also ordered that the applicants' promotions shall be regulated as if there exists no quota system from 7-8-86 onwards. Consequent to this order respondents issued reversion orders to some of the Graduate Engineers who had been earlier promoted as Assistant Engineer/Extra Assistant Director

and this was challenged by them before the Supreme Court in S.L.P.No.3985/89. The Supreme Court of India granted interim directions restraining the Respondents herein from reverting the Graduate Engineers from the posts held by them pursuant to the Office order No.4-12018/1/84-Estt-V dated: 23-5-88 issued after disposal of O.A.262/1986. While this was so, the Government Respondents also filed M.A 192/189 before this Tribunal seeking extention of time for implementing the orders passed in O.A. 262/86. This Tribunal on 28-3-89 passed the following order:

" It is brought to our notice that the order of this Tribunal had been stayed by the Supreme Court by order dt: 22-6-1988 in SLP(C) No 7166/88 with MP 14687 & 14689/88. In the circumstances the question of implementing the order of this Tribunal within eight weeks as directed in M.A.480/88 in C.A.262/86 would not arise till the disposal of the case by the Supreme Court. Miscellaneous Application No.193/89 is accordingly disposed of"

The present clarification petition has been filed by the applicants in C.A.262/88 stating that our understanding that the Supreme Court had stayed our order in O.A.262/88 is not correct and what the Supreme Court stayed is only the reversion of the Graduate Engineers pursuant to the orders dated: 23-5-1988. Shri Ram Mohan Rao states that in as much as the Supreme Court has not stayed our orders, the Respondents are bound to implement the order dated: 17-11-1987 and certain promotions made in the months of April, May, 1988 is in violation of our order. He therefore seeks a clarification that the Respondents be directed to

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implement the directions of the Tribunal passed in O.A. 262/86. Shri Naram Bhaskar Rao, learned standing counsel for the Respondents says that he is going to file a counter. We had earlier passed a direction on 30-5-91 in this Miscellaneous Application to the Government Respondents not to make any promotions to the category of Assistant Engineer pending further order in this M.A. This was done to enable Shri Naram Bhaskar Rao seeks further time to file counter. We have considered these contentions.

It is clear from the above that our order in O.A. 262/86 was never stayed by the Supreme Court and therefore our order dated: 28-3-1989 passed in M.A.192/1989 holding that ~~immediate~~ implementation of the order dated: 17-11-1987 in O.A.262/86 is stated was not correct. In the circumstances, having regard to the facts mentioned above we direct the Respondents to review the promotions made subsequent to our order and implement our judgement dated: 17-11-1987 passed in O.A.262/86. Needless to say the appellants before the Supreme Court will not be affected by this order passed by us today in view of the directions of the Supreme Court that they should not be reverted. Accordingly M.A. 414/91 disposed of.

CERTIFIED TO BE TRUE COPY
 Sd/-COURT OFFICER
 CENTRAL ADMINISTRATIVE TRIBUNAL
 HYDERABAD BENCH, HYDERABAD

To

1. The Secretary to Government, Union of India, Ministry of Water Resources, Shramashakti Bhavan, New-Delhi.
2. The Central Water Commission, rep- by Chairman, Seva Bhawan R.K.Puram, New-Delhi.
3. One copy to Mr.N.Rammohan Rao, Advocate, 714 'B' Block, Red Hills, Brindavan Apartments, Hyderabad.
4. One copy to Mr.N.Bhaskar Rao, Addl.CGSC,CAT.Hyd.
5. One spare copy.

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