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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH  
AT HYDERABAD.

..

O.A.No. 1050 /97.  
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Date of decision: 13th August, 1997.  
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Between:

1. G.Syamala Rao.
2. S.Mohan Rao.
3. B.Hanumantha Rao.
4. Mohd. Afzal.
5. A.D.Raj Gopal.
6. V.Anjaneyulu.
7. A.Kameswara Rao.
8. M.Thiyagarajan.
9. B.Kishan Rao.
10. Smt. C.Kruparani.

Applicants.

and

1. Union of India represented by its Secretary,  
Ministry of Urban Affairs & Employment, Deot. of  
Urban Development, Nirman Bhavan, New Delhi.
2. Secretary, Dept. of Personnel and Training,  
Union of India, New Delhi.
3. Director General of Works, Central Public Works  
Dept., Nirman Bhavan, New Delhi.
4. Superintending Engineer (Coordn.) SZ/CPWD, Besant Nagar,  
Chennai -90. Respondents.

Counsel for the applicant: Sri P.B.Vijaya Kumar.

Counsel for the Respondents: Sri V.Bhimanna.

CORAM:

&

Hon'ble Sri H.Rajendra Prasad, Member (A) <sup>Q</sup>/<sub>3/8</sub>  
Hon'ble Sri B.S. Jai Parameshwar, Member (J)

JUDGMENT.

(per Hon'ble Sri H. Rajendra Prasad, Member (A))  
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Heard Sri P.B.Vijaya Kumar, learned counsel for the  
applicants and Sri V.Bhimanna, learned counsel for the  
respondents.

<sup>Q</sup>/<sub>3/8</sub>

The applicants in this O.A., are aggrieved by the fact that the Superintending Engineer (Coordn.), south Zone, C.P.W.D., Chennai, is proceeding to conduct the Departmental Competitive Examination for U.D.Cs. for promotion to the posts of Head Clerks under the merit quota on 20th and 21st August, 1997. It would appear that the question of management of upgraded vacancies arising from cadre reviews, requiring relaxation of Recruitment Rules, has been taken up with the concerned <sup>some</sup> Ministry in respect of other cadres, whereas the same <sup>stated to be</sup> is pending with the Ministry concerned in respect of U.D.Cs. for promotion to the posts of Head Clerks.

In this connection it is also noticed that Director-General of Works, Central Public Works Department, has already issued an Office Memorandum advising the Superintending Engineer (Cordination), South Zone, not to fill up the vacancies till a decision is conveyed to him in this regard. The expression employed by the Director-General in the said communication is that vacancies "may not be filled up". On receipt of such advice, it would have normally been expected of the Superintending Engineer, <sup>(Co-Ordn.)</sup> South Zone, not to go ahead with the examination which had been announced earlier on 16--6--1997. However, it is not clear whether the Superintending Engineer proposes merely to conduct the examination and not to take further action to "fill up" the

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vacancy. In any case, it would have been advisable for him not to have expended any effort or energy in conducting an examination which may not eventually be found essential. The least that might have been expected was that the Superintending Engineer, South Zone, would obtain further instructions/clarification from the Director-General of Works before announcing the final schedule of the proposed examination, specially, in view of the stated fact that none of the other Zonal Superintending Engineers are reported to have initiated any action of similar lines by holding an examination for the notified purpose.

In the circumstances, the Director General of works (Respondent No.3) will immediately examine the need or otherwise of conducting the proposed examination scheduled to be held on 20/21st August, 1997. In view of the fact that a very short time is left for the commencement of the proposed examination, it will be necessary for the Director General of Works (Respondent No.3) to issue immediate instructions to Respondent No.4, Superintending Engineer (Coran.) South Zone, depending on the necessity and the correctness or otherwise, of the said examination, as may be decided by him.

It has also been stated that the question of relaxation has already been referred to the concerned

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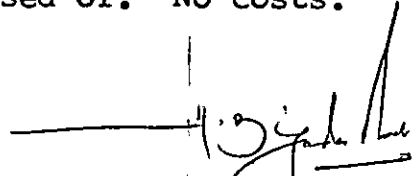
Ministry. It would be advisable that this issue is got resolved by obtaining the necessary clearance or decision, as may be justified, from the concerned Ministry if only to forestall any possible uncertainty in this regard and a problem like the present arising in future.

Thus the O.A., is disposed of. No costs.



B.S. JAI PARAMESHWAR,  
MEMBER (J)

13/8/97



H. RAJENDRA PRASAD,  
MEMBER (A)

Date: 13th August, 1997.  
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Dictated in open Court.

SSS.

NOTE:

Issue C.C., today.

(B.O.)



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Sept 19 Reptr (4)

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Copy to:

1. Secretary, Union of India, Ministry of Urban Affairs & Employment, Department of Urban Development, Nirman Bhavan New Delhi.
2. Secretary, Dept of Personal & training, Union of India, New Delhi.
3. Director General of Works, Central Public Works Dept. Nirman Bhavan, New Delhi.
4. Superintending Engineer, Coordn. South Zone, Central P.W.D., Rajaji Bhavan Besant Nagar, Chennai - 90.
5. P.V.Vijay Kumar, Advocate for applicants,
6. V.Bheemanna, Addl. Standing Counsel for Central Govt.
7. One spare copy.
- 8) one copy to HHRP. M(CA). CAT. No 2.
- 9) one copy to D.R.(P) CAT. No 3.

18/8/97

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE  
VICE-CHAIRMAN

and

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

The Hon'ble Mr. B. S. Jaisankar: M(J)

Dated: 13-8-1997

ORDER/JUDGMENT

M.A./R.A./C.A.No.

in

C.A.No. 1050/97.

T.A.No. (w.p.)

Admitted and Interim directions  
Issued.

Allowed

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected.

No order as to costs.

pvm

केन्द्रीय प्रशासनिक न्यायालय  
Central Administrative Tribunal  
बेसत/DESPATCH  
18 AUG 1997  
हैदराबाद न्यायपीठ  
HYDERABAD BENCH