

30/100  
**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

FROM No. 4  
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORDER SHEET

Original Application No: - OT 276/03

Misc Petition No: ✓

Contempt Petition No: ✓

Review Application No: ✓

Name of the Appellant(s): J. P. Gogoi

Name of the Respondent(s): Mr. D. G. Deka

Advocate for the Appellant: - Mr. G. K. Bhattacharya  
" B. Choudhury

Advocate for the Respondent: - C. S. C.

| Notes of the Registry   | date  | Order of the Tribunal  |
|---|---|--|
| his application is in<br>form but not in time<br>Condonation Petition is<br>filed / not filed C. F.<br>for Rs. 50/- deposited<br>vide IPO No. 115.382348  | 16.12.2003  | List on 17.12.2003 for<br>admission.   |
| Dated. 16/12/03<br><br><i>Mr. Bhattacharya</i><br><i>Mr. Deka</i>   | 17.12.03<br><br><i>mb</i><br><i>WS</i><br><i>18/12/03</i> | Heard Mr. B. Choudhury, learned<br>counsel for the applicant.<br>Issue notice to show cause as<br>to why this application shall not<br>be admitted. Returnable by four<br>weeks. |
| Issue notice as per court's<br>order dated 16/12/03.  |   | List on 28.1.2004 for filing<br>reply to show cause and admission.   |
| Notice & order dt. 17/12/03,<br>Sent to D/ Section for<br>issuing to the respondents<br>No. 1 to 5. ride memo<br>Case No. 2462 to 2466<br>dated 26-12-03. |   | Pendency of this application<br>shall not be a bar for the respon-<br>dents to consider and dispose of<br>the representations of the appli-<br>cant.                             |

*KV Pathak*  
Member

(2)

28.1.04

No Bench today.

Adj. It 11-2-2004.

b/s  
b/s

17.2.04

W/s submitted

to the Respondent No. 3.

25.2.2004 present: The Hon'ble Shri Shanker Raj  
Judicial Member.

The Hon'ble Shri K.V.Prahla  
Administrative Member.

Heard Mr.G.K.Bhattacharjya, learned

Sr.counsel for the applicant and also  
Mr.A.Deb Roy, learned Sr.C.G.S.C. for  
the respondents.

Reply has been filed by the respon-  
dent Nos.1, 2 and 3 as well. The question  
is to be adjudicated as to whether  
in case of downgrading a Govt. servant  
he is required to be communicated the  
ACRS. This is in consonance with the  
principles laid down in U.P.Jal Nigam  
and Others vs. Prabhat Chandra Jain and  
Others reported in (1996) 2 SCC 363.

Fix the case for hearing on 24.3.04

On that day the respondents  
are directed to bring the DPC proceeding  
and the ACRs of the applicant.

Any promotion made to the post of  
Chief Engineer shall be subject to the  
outcome of this O.A.

*Parashuram*

Member (A)

*h*  
Member (J)

bb

23.3.2004

List before the next Division Bench.

mb

*Parashuram*  
Member (A)

31.3.2004

Present: Hon'ble Shri Kuldip Singh,  
Judicial Member

Hon'ble Shri K.V. Prahladan,  
Administrative Member.

Learned counsel for the parties are present. The learned counsel for the respondents submits that he has brought the ACRs and not the minutes. He prays for some time to produce the minutes. Prayer allowed. List the matter before the next available Division Bench.

*KV Prahladan*  
Member (A)

*Jain*  
Member (J)

13.5.2004

Present : The Hon'ble Sri Mukesh Kumar Gupta, Judicial Member.

The Hon'ble Sri K.V. Prahladan, Administrative Member.

The matter was heard at length. Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents produced the records of DPC which was held on 27.6.2003 wherein it is stated that DPC considered officials for filling ~~Nine~~ vacancies for the year 2003-04. The Minutes of the said DPC do not indicate which years ACRs were considered. Similarly, we found gradation given to some officials, recorded in the ACRs which were produced before us, are not in consonance with the relevant O.M. on the subject of gradation to be awarded.

In the absence of specific and clear materials emanating from the concerned authorities, it would be difficult to appreciate the contentions raised by the respondents that because of "Very Good" being the Bench Mark, not attained by the applicant, he could not be empanelled for promotion to the post of Chief Engineer. Therefore, Respondents should file clear affidavit indicating the ACRs which were considered by the said DPC. They shall also produce the Working Sheet/Tabulation, prepared and examined by the said DPC. This exercise shall be completed within a period of six weeks from the receipt of the order.

Contd/-  
13.5.2004

Adjourned for 5.7.2004.

Order dt. 13/5/04  
sent to D/Section  
for issuing to  
both parties.

13/5/04.

*KV Prablandan*  
Member (A)

*SP*  
Member (J)

22.7.04

When the matter came up for hearing the learned counsel for the respondents submitted that an affidavit has already been filed in compliance with the Order of this Tribunal dated 13.5.2004 and he also submitted that the tabulation sheet and the other required documents are available in the original file. The respondents counsel is directed to produce the entire proceeding in a sealed cover and the registry is directed to keep the records in a sealed cover.

List before the next available Division Bench.

19.7.04

WTS Submitted by  
The Respondent No. 3

*SP*

Two sets enclosed  
Received and kept with  
Seal cover.

26/7/04

23.8.04

Case is ready for  
hearing

*KV Prablandan*  
Member (A)

*SP*  
Member (J)

24.8.04.

Heard learned counsel for the parties. Hearing concluded. Judgment reserved.

*KV Prablandan*  
Member

*SP*  
Vice-Chairman

27.8.2004 Present: The Hon'ble Shri D.C.Verma  
Vice-Chairman (J).

The Hon'ble Shri K.V.Prablandan  
Member (A).

Judgment pronounced in Open Court,  
kept in separate sheets.

The O.A. is dismissed in terms of  
the order. No costs.

*KV Prablandan*  
Member

*SP*  
Vice-Chairman

bb

9.9.04  
Copy of the Order  
has been sent to  
the D/Sec. for copy  
in due to the  
opponents by post

*SP*

Memo No. H.C. XXI 27, 687-92/R.M.  
Dtd 1.12.06 received from the Ass't  
Registrar (Ind.) of the Hon'ble Gauhati  
High Court. 5

The order dtd 9.11.06 passed in  
WP(C) No. 9159/06 may kindly be  
seen at PL-C.

The Hon'ble Gauhati High Court  
reverted the judgment order dtd 27.6.06  
passed in OA No. 184/03 & OA 276/03  
vide order dtd 9.11.06 passed in  
the WP(C) No. 9159 of 2006,  
submitted for favor of kind  
perusal.

6/12  
11/12/06  
Hon'ble re. <sup>25 Nov 2006</sup>  
CO(5).

~~Whi~~ <sup>11/12/06</sup>  
order always should be referred  
for early disposal

11/12/06

Mn K.R.Sarma  
15.12.06

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application Nos.184 & 276 of 2003.

Date of Order : This, the 27<sup>th</sup> Day of August, 2004.

THE HON'BLE SHRI D. C. VERMA, VICE CHAIRMAN (J).

THE HON'BLE SHRI K. V. PRAHLADAN, ADMINISTRATIVE MEMBER.

1. Sri Gauri Shankar Mittal  
Superintending Engineer  
Central Public Works Department  
Silchar Central Circle  
Malugram, Mela Road  
Silchar - 788 002, Assam... . Applicant in O.A.184/2003.

By Advocate Mr.A.Ahmed.

2. Sri Jai Parkash Gupta  
Superintending Engineer  
Central Public Works Department  
Assam Central Circle-I  
Bamunimaidan, Guwahati-21  
Assam. . . . . Applicant in O.A.276/2003.

By Sr.Advocate Mr.G.K.Bhattacharyya & Mr.B.Choudhury.

- versus -

1. Union of India  
Represented by the Secretary  
Ministry of Urban Affairs  
Nirman Bhawan  
New Delhi - 110 011.
2. The Director General Works  
Central Public Works Department  
118-A, Nirman Bhawan  
New Delhi - 110 011.
3. Sri R.S.Prasad  
Chief Engineer  
Valuation Income Tax Department  
Rohit House-11th Floor  
3 Tolostoy Marg, Connaught Palace  
New Delhi-1.
4. Sri P.K.Majumdar  
Chief Engineer  
P.W.D. Andaman and Nicobar  
Islands, Port Blair - 744 101.

5. Sri S.S.Mandal  
Chief Engineer  
SZ-1, C.P.W.D., II Floor  
Rajaji Bhawan, G-Wing  
Basant Nagar, Chennai-600090.
6. Sri C.S.Prasad  
Chief Engineer, Eastern Zone-2  
C.P.W.D., Pant Bhawan  
7th Floor, Baily Road  
Jawaharlal Nehru Marg  
Patna-1, Bihar.
7. Union Public Service Commission  
Dhalpur House, Shahjahan Road  
New Delhi - 11. . . . Respondents in O.A.184/2003.

By Mr.A.Deb Roy, Sr.C.G.S.C.

1. Union of India  
Represented by the Secretary  
Ministry of Urban Development &  
Poverty Alleviation, Nirman Bhawan  
New Delhi - 11.

2. Director General of Works  
Central Public Works Department  
101-A, Nirman Bhawan  
New Delhi - 110 011.

3. Secretary  
Union Public Service Commission  
Dhalpur House, New Delhi - 110 011.

4. Sh.P.C.Arora  
Chief Engineer (NEZ)  
CPWD, Dhankheti  
Shillong - 3. . . . Respondents in O.A.276/2003.

By Mr.A.Deb Roy, Sr.C.G.S.C.

O R D E R

D.C.VERMA, V.C.(J):

Both the O.A.s have been heard and it has been noticed that the points involved in the two O.A.s are same. Hence they are being decided by a common order.

2. In both the O.A.s the applicants have been denied promotion to the post of Chief Engineer (Civil) in

C.P.W.D.

3. In O.A. 184/2003 the applicant G.S.Mittal was considered by the DPC held on 31.7.2002 and 27.6.2003, but on both the occasions the applicant had been found unfit.

4. In O.A.276/2003 applicant J.P.Gupta was considered by the DPC held on 27.6.2003 and was found unfit.

5. In both the cases juniors to the applicant applicants have been promoted to the post of Chief Engineer (Civil) (Group-A) in the pay scale of Rs.18,400-22400/- . The DPC which was held on 31.7.2002 considered officers for promotion against twelve vacancies which pertains to the year 2002-03. In that DPC the name of applicant J.P.Gupta was not considered as sufficient number of officers were available. The applicant G.S.Mittal and many others ~~juniors to him~~ were considered and assessed.

6. In the DPC Meeting held on 27.6.2003 officers were considered for nine vacancies for the year 2003-04. In this DPC Meeting both the applicants, namely, G.S.Mittal and J.P.Gupta were considered alongwith others, and the two applicants were found unfit. Some juniors were found fit.

7. learned counsel for both the applicants submitted that no adverse remarks were ever communicated to any of the two applicants and record overall has been

bettered and not inferior to some of the officers who have been promoted. Placing reliance on the decision of the Apex Court in the case of U.P.Jal Nigam & Others - vs - Prabhat Chandra Jain and Others reported in 1996 (33) ATC Page 217, it has been submitted that in case of downgrading, the entry must be communicated to the concerned employee. It also submitted that if the applicants were given grading below the Bench Mark, such entry is required to be communicated to the applicants. In the case of G.S.Mittal, reliance has also been placed on a decision of the Allahabad Bench of the Tribunal in O.A.587/1997 in the case of A.K.Goel -vs- Union of India & Others decided on 24.05.2004. In the case of G.S.Mittal, reference has also been made to the 1st volume of C.P.W.D. Manual wherein it has been provided that in case it is noticed at any time that their is a fall in the standard of an officer in relation to his past performances as revealed through the assessment, his attention should be drawn to this fact so that he can be alerted for improving his performance.

8. Learned Sr.C.G.S.C., on the other hand, submitted that cases of both the applicants were assessed by the DPC consisting of Chairman/Member of the U.P.S.C. and two other Sr. officers in the light of 'Selection' promotion revised by the D.O.P. & T. vide their O.M. dated 8.2.2002. His submission is that as per the revised DPC Guidelines the DPC shall determine the merit of those

being assessed for promotion with reference to the prescribed bench-mark and accordingly grade the officers as 'fit' or 'unfit' only. Only those who are graded fit by the DPC shall be included in the select panel in order of their inter-se-seniority in the feeder grade. Those officers who are graded unfit by the DPC shall not be included in the select panel. Thus after revised Guidelines there is no supersession in promotion among those who are graded fit. The bench-mark for promotion to the grade of Chief Engineer (Civil) in the C.P.W.D. which is in the scale of Rs.18400-22400/- is "Very Good". After assessment of the ACRs the applicants were found unfit by the respective DPC, hence their names were not included in the panel. Learned Sr.C.G.S.C. also submitted that the decision in the case of U.P.Jal Nigam (Supra) ~~it~~ is not applicable on the facts of the present case as in the present case there is no allegation nor any evidence to show that there has been any steep downgradation in the ACRs of the applicant.

9. We have heard Mr.A.Ahmed, learned counsel for the applicant in O.A.184/2003, Mr.G.K.Bhattacharyya, learned Sr.counsel for the applicant in O.A.276/2003 as well as Mr.A.Deb. Roy, learned Sr.C.G.S.C for the respondents in both the O.A.s.

10. During the course of argument both the learned counsel for the two applicants have mainly placed reliance on the decision in the case of U.P.Jal Nigam (Supra). In the case of U.P.Jal Nigam (Supra) the Apex Court was

dealing with downgrading of entry "outstanding" grade in one year followed by "satisfactory" in the succeeding year. It was also noticed that U.P.Jal Nigam rules provided with communication of adverse entry but not of downgrading of an entry. Apex Court observed that in such situation reason for such change must be recorded and the employee must be informed about the change in the form of an advise. It was a case of extreme variation in grading so in the light of the U.P.Jal Nigam Rules the aforesaid orders were passed. The Apex Court specifically observed with regard to the system that prevail in the Jal Nigam. Thus the decision in the case of Jal Nigam is only in personam and it cannot be taken as in rem with decision of all such matters which are not covered by such rules.

11. The case of U.P.Jal Nigam came for consideration by a Division Bench of Jaipur C.A.T. in O.A.12 of 1999 in the case of Rajhuns Upadhyaya, Member, Board of Revenue, Rajasthan -vs- Union of India & Others. The Division Bench observed as below:-

" . The case of U.P.Jal Nigam (supra) came to be considered by a Full Bench of this Tribunal, sitting at Mumbai, in the case of Manik Chand v. Union of India & Ors, 2002 (3) ATJ 269. The Full Bench, after considering the judgement in the case of UP Jal Nigam, held that the Supreme Court has not laid down the law that the communication of remarks which are below the bench mark, but are not adverse are required to be communicated to an employee. It was further held that the decision in U.P.Jal Nigam's case was not 'in rem' but was 'in personam'."

12. In another decision in the case of Mrs.M.R.Nath -vs- Union of India & Others reported in 2004(1) SLJ Page

7 a Division Bench of the Chandigarh C.A.T. considered ~~considered~~ a catena of decisions including the decision of U.P.Jal Nigam (Supra). The Chandigarh Bench also considered the case of B.L.Srivastava -vs- Union of India & Others decided by Principal Bench of C.A.T. and relied on behalf of G.S.Mittal. In the case of Mrs.M.R.Nath it is observed "What flows from U.P.Jal Nigam's case is that if there is any variation of change i.e. where there is a steep fall or downgrading in the remarks made by the Reviewing Officer or the Accepting Officer in relation to the remarks made by the Reporting Officer in that event, communication may be necessary."

13. Learned counsel for the applicant G.S.Mittal has placed reliance on the decision of A.K.Goel (Supra) but on facts the cited case differs from the facts of the present case. In the cited case the applicant therein had secured two "outstanding" and five "very good" for the seven relevant years and consequently the Tribunal granted the reliefs.

14. In the two cases before this Bench it is not the case of any of the two applicants that there is any steep fall in the grading or grading was, in any particular year downgraded by a Reviewing or Accepting Authority to the disadvantage of the applicants.

15. It is not denied that DPC fixes its own norms and makes an independent assessment and arrives in its grading taking into account the totality of performance.

We have, therefore, ourselves examined the gradings with regard to the five assessment years, for the vacancies of 2002-03 and we have noticed that applicant G.S.Mittal was assessed in three years as "good" and in two years as "very good" and has been held unfit. In respect of those who were assessed in that year, those who could be assessed three "good", have been found unfit. So neither there is any arbitrariness nor there is any discrimination with regard to the assessment made in respect of applicant G.S.Mittal in the year 2002-2003.

16. For the assessment year 2003-04 applicant G.S.Mittal was assessed for two years as "good" and for three years as "very good". All those who have been assessed as "good" for two years have been recorded as unfit. In this DPC applicant J.P.Gupta was also assessed for three years as "good" and for two years as "very good". So the applicant J.P.Gupta has also been found unfit. On examination of the total assessment sheet it is noticed that those who have got "good" for two years have been recorded as unfit. Thus in this year also there is no arbitrariness nor there is any discrimination.

17. Reference to the C.P.W.D. Manual is only with regard to the Guidelines for recording of ACRs. The same cannot be made a basis to challenge a non-selection.

18. Learned counsel for the applicant G.S.Mittal also relied on a decision of the Hon'ble High Court, Bombay in the case of Dr.B.Gupta -vs- Union of India & Others in W.P.No.3541 of 2002 decided on 27.8.2002. We

have gone through the said decision. The same differs on facts, from the facts of the present case. In that case, the remarks of the Reporting Officer was downgraded by the Reviewing Officer, which is not a case in the present O.A.

In view of the discussions made above, we find that none of the two applicants has any case of merit to challenge the promotion of the private respondents or for their non-promotion. Accordingly, both the O.A.s are found devoid of merit and are dismissed.

There shall be no order as to costs.

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Sd/ VICE CHAIRMAN  
Sd/ MEMBER (Adm)

IN THE GAUHATI HIGH COURT

(High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura,  
Mizoram & Arunachal Pradesh)

CIVIL APPELLATE SIDE

Appeal from

W.P.(e) No. 9159 of 2004

Civil Rule

Appellant

Petitioner

jai parkash Gupta

versus  
Union of India & others

Respondent

Opposite Party

Appellant Mr. C. Choudhury  
For Mr. R. Mazumdar  
Petitioner Mrs. A. Grayam

Respondent Mr. H. Rahman  
For Mr. C. Choudhury  
Opposite Party

| Noting by Officer or<br>Advocate | Serial<br>No. | Date | Office notes, reports, orders or proceedings<br>with signature |
|----------------------------------|---------------|------|--|
| 1                                | 2             | 3    | 4  |

| Noting by Officer or Advocate | Serial No. | Date | Office notes, reports, orders or proceedings with signature |
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WP © No. 9159/04

B E F O R E

THE HON'BLE MR. JUSTICE AH SAIKIA  
THE HON'BLE MR. JUSTICE BD AGARWAL

9.11.06

H. SAIKIA, J.

Heard Mr. C. Choudhury, learned counsel for the petitioner. Also heard Mr. H. Rahman, learned Asstt. Solicitor General of India representing the Union of India/respondents.

2. The legality and correctness of the common judgment and order dated 27.08.04 passed by the Central Administrative Tribunal, Guwahati Bench ( for short, 'the CAT') in Original Applications No. 184/03 and 276/03 have been questioned by the petitioner herein basically on the ground that the CAT committed a patent error in holding that the grading "Good" recorded for three years in his ACRs of 5 assessment years when he was assessed in two years as "Very Good", being the benchmark, were not needed to be communicated because such grading 'Good' was not adverse remarks as claimed by the petitioner.

3. The case of the petitioner, as emerged from the pleadings, is that while considering the case of the petitioner for promotion from the post of Superintending Engineer, Central Public Works Department ( for short, 'the CPWD') under the Respondent No.2, Director General of Works, CPWD, New Delhi to the post of Chief Engineer, CPWD, the Departmental Promotion Committee ( for

| Noting by Officer or Advocate | Serial No. | Date | Office notes, reports, orders or proceedings with signature   |
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|                               |            |      | short, 'the DPC'), after going through the ACRs of the petitioner of five assessment years from 1998-99 to 2002-03, found that he was assessed for three years as "Good" and "Very Good" for two years when the benchmark was "Very Good" in four years. His case was, therefore, found to be unfit and accordingly not considered for promotion.   |
|                               |            |      | 4. Against such non-consideration of promotion, the petitioner/applicant approached the CAT for redressal of his grievances with the pleadings that those three "Good" which became the hurdle in his promotion and for which he was found to be 'unfit' for promotion, being the adverse remarks, were not communicated to him and such uncommunicated adverse remarks, therefore, ought to have been ignored by the DPC.  |
|                               |            |      | 5. The CAT in entertaining the application of the petitioner alongwith an another applicant Mr. G.S. Mittal, being similarly situated with the petitioner, by the impugned common judgment rejected the contentions of the petitioner holding that for the assessment year 2003-04, all those who were assessed as "Good" for two years, were recorded as "unfit for promotion" and as such since the petitioner along with the said G.S. Mittal were found unfit as the petitioner was assessed for three years as "Good" on being downgraded when the benchmark "Very Good" was required for such promotion, there was no arbitrariness and discrimination meted out to the petitioner. Hence this writ petition. |

| Noting by Officer or Advocate | Serial No.   | Date | Office notes, reports, orders or proceedings with signature |
|-------------------------------|--|------|---|
| 1                             | 2  | 3.   | 4   |
| 6.                            | Arguing on behalf of the petitioner, Mr. Choudhury has drawn attention of this Court to certain similar factual situation relating to the other applicant namely Mr. G.S. Mittal who got relief from the CAT itself on later stage with the approval of this High Court. It is stated by him that though Mr. Mittal preferred a separate writ petition against the impugned common judgment before this High Court which is still pending, meanwhile, during the pendency of the writ petition, the said Mittal came within the zone of consideration for the second time for promotion to the post of Chief Engineer, CPWD and again his case was not considered as he was graded "Good" in the ACRs of two years i.e., 1998-99 and 1999-2000 instead of "Very Good". |      |   |
| 7.                            | Against such rejection, Mr. Mittal, again in his second round of litigation moved the CAT which primarily relying upon the decision of the Supreme Court in U.P. Jal Nigam and other -Vs- Prabhat Chandra Jain and Others reported in (1996) 2 SCC 363, accepted the contentions made on behalf of said Mittal holding that since grading of "Good" for two years reflecting a steep fall from the bench mark of "Very Good" and thereby negating the promotion of the incumbent to the higher post, was not communicated, such uncommunicated downgrading report ought to have been ignored. The said order was passed by CAT on 7.10.05 in O.A. No. 37/04 and the copy of the same has been placed on record before us by the learned counsel for the petitioner.    |      |   |
| 8.                            | The Union of India filed a writ petition before this Court being WP © No. 3028/06 challenging the judgment and order of the CAT  |      |   |

28

| Noting by Officer or Advocate | Serial No. | Date | Office notes, reports, orders or proceedings with signature   |
|-------------------------------|------------|------|---|
| 1                             | 2          | 3    | 4   |
|                               |            |      | above and the Division Bench of this Court, speaking through Hon'ble the Chief Justice, by order dated 27.6.06 dismissed the writ petition preferred by the Union of India affirming and upholding the findings arrived at by the CAT observing that the view taken by the CAT, was in conformity in law as laid down by the Supreme Court in U.P. Jal Nigam's case (supra) and it did not suffer from any error apparent on the face of the record requiring any interference. |
| 9.                            |            |      | In that view of the matter, it is contended that since the petitioner's instant case is also similarly situated, the benefit of decision of this Court rendered in the aforesaid case with the same relief may also be extended to the petitioner in the case at hand.  |
| 10.                           |            |      | Having regard to the above cited case as well as upon hearing the learned counsel for the parties, we are of the firm view that the above cited case i.e. G.S. Mittal's case (supra) is squarely and uniformly applicable in this case and accordingly, we are inclined to set aside the impugned judgment and order. It is ordered accordingly.  |
| 11.                           |            |      | The respondent/authorities are accordingly directed to consider the case of the petitioner for his promotion in question as expeditiously as possible since he is retiring, as stated, in the year 2007.  |

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायिक बिभाग  
1274  
06 Dec 2006

BY SPECIAL MESSANGER  
BY SPECIAL MESSENGER

| Noting by Officer or<br>Advocate | Serial<br>No. | Date | Office notes, reports, orders or proceeding<br>with signature |
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12. In the result, this writ petition succeeds and stands allowed.  
However, there shall be no order as to costs.

Sd/-BD Agarwal.

Memo NO.HC.XXI.

JUDGE  
27,687-92

Sd/-AH Saikia.

JUDGE

/R.M.Dtd.

112.06

Copy forwarded for information and necessary action to :-  
 1. The Union of India, through the Secretary, Ministry of Urban Development and Poverty Alleviation, Nirman Bhawan, N.Delhi-11.  
 2. Director General of Works, Central Public Works Department, 101-A, Nirman Bhawan, N.Delhi-110011.  
 3. The Secretary, Union Public Service Commission Dholpur House, Shahjahan Road, New Delhi-1.  
 4. The Section Officer (J), Central Administrative Tribunal, Guwahati Bench, Rajgarh Road, Bhangagarh, Guwahati-781005. He is requested to acknowledge the receipt of the following records. This has a reference to his Letter No. CAT/GHY/68/01/Judl./494, Date-01.07.2006  
Enclo:-

1. O.A. 276/03 Part 'A'
5. Sri P.C.Arora, Chief Engineer, (NEZ), CPWD, Dhankathi, Shillong-3.
6. Sri K.Balakrishnan, Chief Engineer, South Zone, CPWD, Rajai - Bhavan, Basant Nagar, Chennai-90.

By order

Se(j)  
NS  
5.12.06

*Asstt. Registrar (Judl.)*  
*Gauhati High Court, Guwahati.*

(Ch)-  
112.06

Mr. Samra  
P. put up in file  
NS  
6.12.06

11/12/2003

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH

GUWAHATI BENCH

O.A NO. 276 OF 2003

SRI JAI PARKASH GUPTA

.....APPLICANT

VS.

UNION OF INDIA & OTHERS

.....RESPONDENTS

List of Dates

- ✓ 21.75 : Appointed as Assistant Executive Engineer (Civil) under Central Engineering Service in Group-A and joined CPWD.
- ✓ December'78 : Promoted to the post of Executive Engineer (Civil).
- ✓ 31.12.89 : Further promoted to the post of Superintending Engineer (Civil) and since then the applicant is working as such in various zones of CPWD and at present he is posted as Superintending Engineer, Assam Central Circle-I
- ✓ 25.10.02 : Respondent authorities published seniority list of Superintending Engineer (Civil) and the applicant's name appeared at Serial no 33 and that of Respondents no 4 and 5 at serial no 34 and 35.
- 20.11.03 : Annexure -I, Page 15  
Impugned promotion order was issued promoting 11 Superintending Engineer(Civil) to the Grade of Chief Engineer (Civil) including the respondents no 4&5 and officers junior to the applicant
- 12.9.03 : Annexure -II, Page 24  
As per procedure framed panel of officers for promotion to the post of Chief Engineer for the year 2003-2004 must be ready by 31.03.2003 but in the instant case the DPC was held on 27.06.03 much later than 31.03.03
- 4.12.03 : UPSC in the year 2002-2003 i.e. 1.4.02 to 31.3.2003 promoted officers to the post of Chief Engineer in the grade of Rs.18, 400-22,400 by considering 3 Very Good and above Confidential Reports out of 5 CRs but from 1.4.03 this criteria has been changed to 4CRs of Very Good and above out of 5 CRs, as such had this panel been ready by 31.3.03, the applicant's name would have appeared.
- 12.9.03 : On making enquiry the applicant came to know that the DPC was held on 27.9.03 and his name was not recommended whereas some of his juniors were included. The applicant then submitted a representation stating the above facts with the prayer that he also be promoted but there was no response.

Annexure -III, Page 27

- 4.12.03 : The applicant thereafter submitted a representation after the impugned promotion order was issued but till date there has been no response.

Annexure -IV, Page 35

29

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH  
GUWAHATI

(An application under section 19 of the Administrative Tribunals Act,  
1985)

O.A.No. .... OF 2003

Sri Jai Parkash Gupta.

... Applicant

VS

Union of India and others

... Respondents.

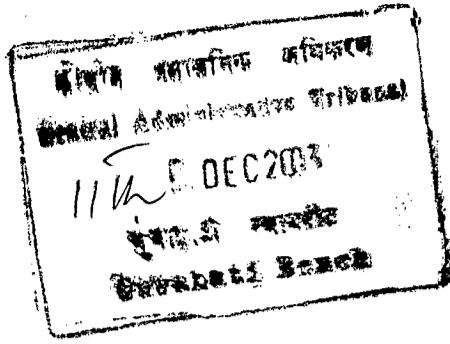
| <u>SL.NO</u> | <u>PARTICULARS</u> | <u>PAGE NO</u> |
|--------------|--------------------|----------------|
| 1            | Application        | 1 to 13        |
| 2            | Verification       | 14             |
| 3            | Annexure-I         | 15 to 23       |
| 4            | Annexure-II        | 24 to 26       |
| 5            | Annexure-III       | 27 to 34       |
| 6            | Annexure-IV        | 35 to 36       |

Filed by



(Bikram

Choudhury)



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI  
BENCH : GUWAHATI

(An application under section 19, of the Central Administrative Tribunal Act, 1985)

O.A NO. 276 of 2003

Sri Jai Pankash Gupta,  
Superintending Engineer,  
Central Public Works Department,  
Assam Central Circle-I,  
Bamunimaidan, Guwahati-21, Assam.

... Applicant

-Versus-

1. Union of India,  
Represented by the Secretary,  
Ministry of Urban Development &  
Poverty Alleviation,  
Nirman Bhawan, New Delhi-11.
2. Director General of Works,  
Central Public Works  
Department, 101-A, Nirman  
Bhawan, New Delhi-110011
3. Secretary,  
Union Public Service Commission,  
Dholpur House, New Delhi-110011

*To Tzu*  
24  
Filed by the applicant through  
Bikram Choudhury, Advocate  
11.12.03

4. Sh. P.C. Arora,  
Chief Engineer (NEZ),  
CPWD, Dhankethi, Shillong-3.

5. Sh. K. Bala Krishnan,  
Chief Engineer, South Zone-1,  
C.P. W.D., Rajaji Bhavan,  
Besant Nagar, Chennai-90.

... Respondents

1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE.

The application is made against the impugned order No. 30/29/2002-ECI/EWI dt. 20.11.2003 by which junior persons to the applicant have been promoted to the post of Chief Engineer by superceding the applicant and thus praying for direction upon the Respondents to promote the applicant to the post of Chief Engineer (Civil).

2. JURISDICTION OF THE TRIBUNAL:

The applicant declares that the subject matter of this application is well within the jurisdiction of the Hon'ble Tribunal.

3. LIMITATION :

The applicant further declares that this application is filed within the limitation

(Signature)

prescribed under Section 21 of the Administration Tribunal Act, 1985.

**4. FACTS OF THE CASE :**

4.1) That your humble applicant is a citizen of India and as such, he is entitled to all the rights and privileges and protection granted by the Constitution of India.

4.2) That your applicant was initially appointed as Assistant Executive Engineering Service in Group-A and joined the Central Public Works Department shortly called as CPWD. Subsequently he was promoted to the post of Executive Engineer (Civil) in the month of December 1978 and further promoted to the post of Superintending Engineer (Civil) on 31<sup>st</sup> December, 1989 and since then he is continuously working as Superintending Engineer (Civil). Presently he is functioning as Superintending Engineer, Assam Central Circle - I, CPWD, Guwahati, Assam, w.e.f. 07.04.2003 by handling works in the States of Meghalaya, part of Assam as well as Arunachal Pradesh.

4.3) That your applicant begs to state that as per seniority list of Superintending Engineer (Civil), issued by the Respondent No.2 vide Officer Memorandum No. 37/8/2002-ECI dated 25<sup>th</sup> October, 2002 your applicant's seniority was fixed at Serial

No.33 and the other seniority of Respondents No.4 & 5 who are juniors to the applicant are fixed at Serial Number 34 & 35 respectively.

A photocopy of the seniority list dated 25.10.2002 is annexed herewith and marked as Annexure-I.

4.4) That the applicant begs to state that the Respondents vide Office Order No.30/29/2002-ECI/E.W.I. dt. 20.11.2003 issued promotion orders of Superintending Engineer (Civil) (Pay Scale Rs. 14300 - 18300), to the Grade of Chief Engineer (Civil) (in the pay scale of Rs. 18400 - 22400). But most surprisingly applicant's name did not appear in the said promotion list and junior to the applicant have been promoted to the post of Chief Engineer.

A photocopy of the Office Order No.30/29/2002-ECI/E.W.I. dt. 20.11.2003 is annexed herewith and marked as Annexure-II.

4.5) That your applicant begs to state that the promotions are denied to the central government servants on the ground, if any vigilance case is contemplated against the officer or charge sheet issued to the concerned officer or on any adverse

(P.M)

performance reports against the concerned officer. But in the case of applicant neither such case pending nor any adverse performance communicated ever during the service rendered so far. Your applicant has rendered an unblemished record of service with outstanding performance so far and never reported any shortcoming in his performance by the superior officers of the department.

4.6) That your applicant begs to state that he has rendered remarkable performance when he worked as Superintending Engineer, Food Zone, CPWD, as SE (HQ), at IIPA in 17<sup>th</sup> AAAPA Course, at Indo Bangla Desh Border Zone as SE BFR Circle Kolkata, SSW (BFZ), R.K. Puram, Delhi, Administration as SE, DTTDC, at Project & Planning Zone as SE (P & P) <sup>at Delhi</sup>, Delhi, as SE, DCC-VII/ Delhi CSQ as SE (C&M) and presently as SE, ACC-I, Guwahati and these facts can be seen from the self appraisal written by the applicant which have been agreed by the reporting officers in the Confidential Reports of the applicant for the Years 1990-91, 1991-92, <sup>1992-93,</sup> 1993-94, 1994-95, 1995-96, 1996-97, 1997-98, 1998-99, 1999-2000, 2000-01, 2001-02 & 2002-03. Never the superior officers of the department have pointed out any short fall in the performance of applicant.

4.7) That your applicant begs to state that as per the procedures framed for paneling officers for promotion to the grade of Chief Engineer in the

(Signature)

year 2003-2004 must be ready by 31.03.2003 but in the instant case the DPC has been held on 27.06.03 much later than the end of financial year (i.e.) 31.03.2003 which is irregular and arbitrary. In addition to this it is reliably learnt that UPSC in the year 2002-2003 i.e. 01.04.2002 to 31.03.2003 has cleared the officers for promotion to the post of Chief Engineer in the grade of Rs. 18400 - 22400 by considering three V. Good and above CRs out of Five CRs but this year i.e. w.e.f. 01.04.2003 criteria has been changed to four CRs of Very Good and above out of Five CRs, as such, had this panel for promotion of Superintending Engineer to the post of Chief Engineer been framed and ready by 31.03.2003, the applicant's name would have appeared in the panel as well as in promotion order issued on 20.11.2003 vide O/O No. 30/29/2002-EC-I/E.W.I dated 20.11.2003. Hence it is a clear irregularity.

4.8) That your applicant also begs to state that it is reliably learnt that CRs of the applicant are not inferior to some of the officers promoted by the Respondent in the impugned order which can be verified by calling the records from the Respondents.

4.9) That the applicant begs to state that the applicant came to know that the selection was held on 27.06.03 and on making enquiries the applicant

(P)

also came to know that his name was not recommended whereas some of his juniors were included. The applicant had submitted a representation to the Respondent No.1 stating the above facts with the prayer that he be also promoted in due turn but there was no response from the authorities. After the impugned order dated 20.11.2003 promoting 8 officers including private respondents 4 and 5 who were junior to the applicant was issued, the applicant again on 4.12.2003 submitted a representation/appeal to the Respondent No.1 and till date he has not received any response and the applicant is convinced that no useful purpose will be served by waiting any longer and as such he is approaching this Hon'ble Tribunal for relief due to him.

Copies of the aforesaid representations dated 12.9.2003 and 4.12.2003 are annexed herewith and marked as Annexure-III and IV respectively.

4.10) That your applicant also begs to state that the applicant is aged about 56 years and part and he is at the verge of retirement. Moreover, he is serving presently at North Eastern region since 7.4.2003 as such he is entitled for weightage for

©PwA

promotion in cadre posts as per Govt. of India O.M. No. 20014/3/83-D IV.

4.11) That your applicant begs to state that being aggrieved by the action of the Respondents by issuing the impugned order as there is no vigilance case contemplated or any charge sheet issued against applicant and no shortcoming pointed out in the performance of the applicant ever, the applicant has no other alternative except to approach this Hon'ble Tribunal and thus this application is made bonafide and for the ends of justice.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS :

5.1) For that, the actions of the Respondents in not promoting the applicant but promoting the juniors to the applicant to the post of Chief Engineer (Civil) superceding the applicant is illegal, arbitrary and violative of laid down procedures and as such the impugned order is bad in law and liable to be set aside.

5.2) For that, the action of the Respondents by not showing any reason or causes for issuing the impugned order dated 20.11.2003 to the applicant is illegal, arbitrary and hence the impugned order is bad in law and is liable to be set aside.

(P.M.)

5.3) For that, in spite of the out-standing performance rendered by the applicant all along the service, leaving the applicant in lurch and promoting the applicant's juniors with out giving any opportunity to applicant for that reason and never pointed out any shortfall in the performance of the applicant and under such circumstances the action of respondent is illegal, arbitrary and violation of laid down legal procedures by Hon'ble Supreme Court, High Courts and Tribunals. The Hon'ble Supreme Court has categorically stated in the case of UP Jal Nigam & Others Vs Prabash Chandra Jain & Others in Special Leave Petition (Civil) No.16988 of 1995, Judgment dated 31.01.1996 that unless otherwise the performance of the officer whose performance has been graded below the required level of prescribed Bench Mark, has not been communicated to explain the shortfall in his performance, one can not come to the conclusion that he is unfit for promotion and it is a violation of natural justice. Under such circumstances the action of the respondents by not promoting the applicant with out any valid reason and promoting the applicant's

(P) P. J. M.

juniors is in total violation of legal procedures laid down by Hon'ble Supreme Court, High Courts & Tribunals and also violation of natural justice under article 14 & 16 of the Constitution.

- 5.4) The applicant further submits that being a model employer the Respondent cannot deprive the promotion of the applicant without any reason.
- 5.5) For that, no adverse remark in the ACR of the applicant was ever communicated to him throughout his service career and as such there can be no justification whatsoever in denying promotion to the applicant and superceding him by at least two of his juniors and as such the impugned orders are bad in law and the applicant is entitled to be promoted from the date his juniors were so promoted.
- 5.6) For that, in the event that the applicant was not promoted on the ground of not making the benchmark of "Very Good" which is essential for promotion to the grades, the applicant ought to have been communicated the same as in such a case even a "Good" entry will be adverse and

(Signature)

non communicating the same has prejudicially affected the applicant.

**6. DETAILS OF REMEDIES EXHAUSTED:**

That there is no other alternative and efficacious remedy available to the applicants except invoking the jurisdiction of this Hon'ble Tribunal under Section 19 of the Administrative Tribunal Act. 1985.

**7. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT :**

The applicant further declares that he has not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other Court authority, nor any such application, Writ petition or suit is pending before any of them.

**8. RELIEF SOUGHT FOR :**

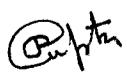
Under the facts and circumstances stated above the applicants most respectfully prayed that your Lordships may be pleased to admit this application call for the entire records of the case including the ACRs of the applicant and others and also the minutes of the DPC and after hearing the parties on the cause or causes that may be shown and on perusal of the records grant the following relief to the applicant.

(R.P.Jha)

- 8.1) To direct the Respondents to set aside or quash the Impugned/office order No. 30/29/2002-ECI/E.W.I. dt. 20.11.2003 at (Annexure-51 & 52) issued by the Respondents.
- 8.2) To direct the Respondents to promote your applicant to the Post of Chief Engineer from the date on which his juniors have been promoted to the post of Chief Engineer with all consequential service benefits entitled by applicant.
- 8.3) To grant such further or other relief or relieves as deemed fit to which the applicant may be entitled having regard to the facts and circumstances of the case.
- 8.4) Grant the cost of this application to the applicant.

9. INTERIM ORDER PRAYED FOR :

Pending disposal of the original application the applicant most respectfully prays for an interim order directing the Respondents to maintain status-quo in regard of promotion of Superintending Engineer to the post of Chief Engineer, till final disposal of this instant original application.



10. DOES NOT ARISE:

11. PARTICULARS OF BANK DRAFT/POSTAL ORDER IN  
RESPECT OF THE APPLICATION FEE.

(i) I.P.O No. : JG 387310

(ii) Date. : 10.12.03

(iii) Issued by Guwahati Post Office.

(iv) Payable at Guwahati.

12. LIST OF ENCLOSURES :

As stated in the INDEX

(Signature)

VERIFICATION

I, Sri Jai Parkash Gupta, S/o late S.M. Gupta, aged about 56 years, Superintending Engineer, Central Public Works Department, Assam the applicant of the instant case do hereby solemnly verify that the statements made in Paragraphs No. 1, 2, 5, 6, 7, 8, 9, 10 and 11 are true to my personal knowledge and the statements made in paragraphs No. 3 and 4 are being matter of records which are true to my information derived therefrom and are believe to be true ~~on~~ legal advice and rest are my humble submissions before this Hon'ble Tribunal I have not suppressed any material facts.

And I sign this verification on this the 11th day of December, 2003 at Guwahati.



Declarant

ANEXURE — 38 T

— 15 —

No.37/8/2002-ECI

Govt. of India  
Directorate General of Works  
CPWD, Nirman Bhawan

New Delhi, Dated: the 25 October, 2002

OFFICE MEMORANDUM

SUB: Issue of seniority list of Superintending Engineers (Civil)

The last seniority list of SEs (Civil) was circulated vide O.M. No.30/44/97-ECI dated 25/9/98. The up to date seniority list in the grade of SEs (Civil) as on 10/10/2002 is circulated herewith for information of all concerned. The seniority list is subject to re-adjustment, if necessary, on opening of sealed covers containing DPC recommendations. Factual errors, if any, may be brought to the notice of this Directorate within a month.

2. This Seniority List is subject to the outcome of CWP No.539/99 (A.P. Gupta & Others Vs. UOI & Others) filed before the Hon'ble Delhi High Court, etc.

Draw

(DR. C.V. DHARMA RAO)  
DEPUTY SECRETARY-I

Copy to:

- 1) All Chief Engineers (Civil) in CPWD/PWD, Govt. of Delhi/I.T. Deptt., Appropriate Authorities/ Ministry of Environment & Forest, New Delhi.
- 2) Engineer-in-Chief (PWD), Govt. of Delhi, New Delhi.
- 3) All SEs (Civil), CPWD/PWD Govt. of Delhi, I.T. Deptt/Appropriate Authority/ Ministry of E&F.
- 4) SE(Vigilance) I & II, CPWD.
- 5) PS to DG(W) and PS to all ADG(Works), CPWD.
- 6) CES Class I (DR) Association.
- 7) CPWD CES & CEMES Class II (DR) Association.
- 8) Section Officers, EC II/CR Cell, CPWD.

John  
DY. DIRECTOR (EC I)

Attested by

Chaudhary

16  
-1-

SENIORITY LIST OF 2002  
SUPERINTENDING ENGINEER (CIVIL), CPWD

39

| S.No. | VII | Name (S/Sh.) & Category | Exam | D.O.B.   | Date of Appt. as SE(C) | Date of Appt. as SE(C) | Remarks             |
|-------|-----|-------------------------|------|----------|------------------------|------------------------|---------------------|
| 1.    | 2.  | 3.                      | 4.   | 5.       | 6.                     | 7.                     |                     |
| 1)    | I   | Ashok Aggarwal          | 1972 | 25/11/44 | 7/12/78                | 31/12/86               |                     |
| 2)    | I   | S.P. Singh-I            | 1972 | 4/1/49   | 7/12/78                | 31/12/86               | Promoted as CE      |
| 3)    | I   | Pawan Kumar             | 1972 | 15/2/45  | 7/12/78                | 31/12/86               | -do-                |
| 4)    | I   | L.P. Srivastava         | 1972 | 31/3/49  | 7/12/78                | 31/12/86               | -do-                |
| 5)    | I   | O.P. Gadhyan            | 1972 | 14/3/49  | 7/12/70                | 31/12/86               | Arbitrator Calcutta |
| 6)    | I   | V.K. Ghumre             | 1972 | 17/10/45 | 7/12/78                | 31/12/86               |                     |
| 7)    | I   | Smt. P. Verma           | 1972 | 13/12/47 | 7/12/78                | 31/12/86               |                     |
| 8)    | I   | L.C. Raha               | 1972 | 2/1/43   | 7/12/78                | 31/12/86               |                     |
| 9)    | I   | D.N. Tripathy           | 1972 | 4/9/43   | 7/12/78                | 31/12/87               |                     |
| 10)   | I   | Ashok K. Mittal         | 1972 | 5/10/49  | 7/12/78                | 31/12/87               |                     |
| 11)   | I   | R. Krishnamurthy        | 1972 | 4/1/46   | 7/12/78                | 31/12/87               |                     |
| 12)   | I   | B.N. Gupta              | 1972 | 3/5/44   | 7/12/78                | 31/12/87               |                     |
| 13)   | I   | G.S. Mittal             | 1972 | 9/11/45  | 7/12/78                | 31/12/87               |                     |
| 14)   | I   | R.S. Prasad             | 1972 | 15/11/49 | 7/12/78                | 31/12/87               |                     |
| 15)   | I   | P.K. Mazumdar(SC)       | 1972 | 2/3/47   | 7/12/78                | 31/12/87               |                     |
| 16)   | I   | S.S. Mondal(SC)         | 1972 | 12/12/50 | 7/12/78                | 31/12/87               |                     |
| 17)   | I   | D. Laxmana Rao(SC)      | 1972 | 15/1/45  | 7/12/78                | 31/12/87               |                     |
| 18)   | I   | Trilok Chandra(SC)      | 1972 | 20/3/45  | 7/12/78                | 31/12/87               |                     |
| 19)   | I   | K.V.L.N. Rao            | 1973 | 20/9/40  | 31/12/78               | 31/12/87               | Retired             |
| 20)   | I   | R.D. Aggarwal           | 1973 | 13/3/41  | 17/1/79                | 31/12/87               | Retired             |
| 21)   | I   | C.S. Prasad             | 1973 | 3/4/52   | 17/1/79                | 31/12/87               |                     |
| 22)   | II  | O.N. Mathur             | 0    | 2/6/32   | 7/2/79                 | 31/12/87               | Retired             |
| 23)   | I   | V.K. Sharma-I           | 1973 | 20/11/38 | 31/12/78               | 31/12/88               | Retired             |
| 24)   | II  | R.M. Matai              | 0    | 14/9/31  | 31/3/79                | 31/12/88               | Retired             |
| 25)   | I   | N. Ravi                 | 1973 | 8/10/51  | 16/4/79                | 31/12/88               |                     |

| 1.  | 2. | 3.                  | 4.   | 5.       | 6.      | 7.       |
|-----|----|---------------------|------|----------|---------|----------|
| 26) | I  | G.C. Khatter        | 1973 | 14/7/47  | 16/4/79 | 31/12/88 |
| 27) | I  | K.T. Sambandhan     | 1973 | 22/12/41 | 16/4/79 | 31/12/88 |
| 28) | I  | Bhartendu Bhushan   | 1973 | 25/8/39  | 16/4/79 | 31/12/88 |
| 29) | I  | Lalit Mohan         | 1968 | 9/11/44  | 5/3/74  | 31/12/89 |
| 30) | I  | D. Hore             | 1971 | 12/8/49  | 28/4/77 | 31/12/89 |
| 31) | I  | M.K. Goel           | 1973 | 11/11/43 | 16/4/79 | 31/12/89 |
| 32) | I  | Suresh Kumar        | 1973 | 21/4/48  | 16/4/79 | 31/12/89 |
| 33) | I  | J.P. Gupta          | 1973 | 7/9/47   | 16/4/79 | 31/12/89 |
| 34) | I  | P.C. Arora          | 1973 | 10/8/45  | 16/4/79 | 31/12/89 |
| 35) | I  | K. Balakrishnan     | 1973 | 1/1/45   | 16/4/79 | 31/12/89 |
| 36) | I  | Virendra Sharma     | 1973 | 8/8/50   | 16/4/79 | 31/12/89 |
| 37) | I  | Pritosh Choudhuri   | 1973 | 13/2/47  | 16/4/79 | 31/12/89 |
| 38) | I  | A.L. Garg           | 1973 | 18/8/45  | 16/4/79 | 31/12/89 |
| 39) | I  | Ram Singh (SC)      | 1973 | 7/7/41   | 16/4/79 | 31/12/89 |
| 40) | I  | P.N. Singh          | 1973 | 20/7/49  | 7/12/98 | 9/8/95   |
| 41) | I  | S. Chinnaswamy (SC) | 1973 | 5/8/48   | 16/4/79 | 31/3/91  |
| 42) | I  | K.L. Bhulania (SC)  | 1973 | 30/7/42  | 16/4/79 | 31/3/91  |
| 43) | I  | S.K. Mittal         | 1974 | 22/10/52 | 29/2/80 | 31/3/91  |
| 44) | II | Abraham Joseph      | 0    | 19/9/34  | 2/4/80  | 31/3/91  |
| 45) | I  | A.K. Trivedi        | 1974 | 1/7/51   | 29/9/80 | 31/3/91  |
| 46) | I  | Pradip K Gupta      | 1974 | 19/12/51 | 29/9/80 | 31/3/91  |
| 47) | I  | V. Subramanian      | 1974 | 8/1/49   | 29/9/80 | 31/3/91  |
| 48) | I  | J.C. Wason          | 1974 | 10/1/50  | 29/9/80 | 31/3/91  |
| 49) | I  | Rakesh Mishra       | 1974 | 1/1/53   | 29/9/80 | 31/3/91  |
| 50) | I  | V.K. Gupta-I        | 1974 | 24/10/51 | 29/9/80 | 31/3/91  |

| 1.  | 2. | 3.                      | 4.    | 5.       | 6.       | 7.      |
|-----|----|-------------------------|-------|----------|----------|---------|
| 51) | I  | A.K. Bajaj              | 1974  | 5/8/50   | 29/9/80  | 31/3/91 |
| 52) | I  | R. Sircar               | 1974  | 19/10/46 | 29/9/80  | 31/3/91 |
| 53) | I  | R.B. Singh              | 1974  | 1/6/51   | 29/9/80  | 31/3/91 |
| 54) | I  | S. Baliga               | 1974  | 26/6/51  | 29/9/80  | 31/3/91 |
| 55) | I  | Bipin Chand             | 1974  | 7/3/52   | 29/9/80  | 31/3/91 |
| 56) | I  | N.K. Sinha              | 1974  | 3/4/48   | 29/9/80  | 31/3/91 |
| 57) | I  | S.C. Padhi              | 1974  | 1/7/50   | 29/9/80  | 31/3/91 |
| 58) | I  | Rajendra Prasad         | 1974  | 11/10/48 | 29/9/80  | 31/3/91 |
| 59) | I  | A.K. Sinha-II           | 1974  | 24/4/51  | 29/9/80  | 31/3/91 |
| 60) | I  | Lekhraj Singh(SC)       | 1974  | 1/11/45  | 29/9/80  | 31/3/91 |
| 61) | I  | M.Baladandapani<br>(SC) | 1972  | 30/3/47  | 7/12/78  | 31/3/91 |
| 62) | I  | Kewal Chand(SC)         | 1973  | 6/6/44   | 16/4/79  | 31/3/91 |
| 63) | I  | O.P. Purohit            | 1973  | 25/9/50  | 16/4/79  | 31/3/92 |
| 64) | II | C.L.N. Sharma           | 0     | 30/7/34  | 13/10/80 | 31/3/92 |
| 65) | II | Ishwar Singh            | 0     | 12/10/34 | 23/3/81  | 31/3/92 |
| 66) | II | K.A. Nankani            | 0     | 27/10/34 | 24/3/81  | 31/3/92 |
| 67) | I  | P.G. Kavi               | 1975  | 22/8/42  | 9/11/81  | 31/3/92 |
| 68) | I  | S.D. Prasad             | 1975  | 9/7/51   | 10/3/82  | 31/3/94 |
| 69) | I  | Ashok Khurana           | 1975  | 3/2/53   | 10/3/82  | 31/3/94 |
| 70) | I  | Kishori Prasad          | 1975  | 20/2/48  | 10/3/82  | 31/3/94 |
| 71) | I  | V.K. Gupta-II           | 1975  | 22/8/54  | 10/3/82  | 31/3/94 |
| 72) | I  | A.K. Suri               | 1975  | 6/7/43   | 10/3/82  | 31/3/94 |
| 73) | I  | -----                   | ----- | -----    | 10/3/82  | 31/3/94 |
| 74) | I  | -----                   | ----- | -----    | 10/3/82  | 31/3/94 |
| 75) | I  | B.P. Aggarwal           | 1975  | 17/7/41  | 10/3/82  | 31/3/94 |
|     |    |                         |       |          |          | Retired |

| 1.   | 2. | 3.               | 4.   | 5.       | 6.       | 7.                     |
|------|----|------------------|------|----------|----------|------------------------|
| 76)  | I  | B.N. Nagaraja    | 1975 | 10/1/51  | 10/3/82  | 31/3/94                |
| 77)  | I  | S.C. Malhotra    | 1975 | 20/2/45  | 10/3/82  | 31/3/9 Expired 28/9/94 |
| 78)  | I  | R.S. Sheoran     | 1975 | 1/7/52   | 10/3/82  | 31/3/94                |
| 79)  | I  | B.B. Gupta       | 1975 | 10/5/52  | 15/12/76 | 31/3/94                |
| 80)  | I  | B.B. Bhatia      | 1975 | 6/1/55   | 11/4/82  | 31/3/94                |
| 81)  | I  | H.L. Padbanabhan | 1975 | 17/11/49 | 11/4/82  | 31/3/94                |
| 82)  | I  | A.K. Sharma      | 1973 | 18/6/52  | 17/1/79  | 31/3/94                |
| 83)  | I  | A.P. Singh       | 1974 | 1/2/51   | 29/6/80  | 31/3/94                |
| 84)  | I  | Ramveer Singh    | 1974 | 2/6/46   | 29/9/80  | 31/3/94 (NBR)          |
| 85)  | I  | P.K. Mathur      | 1975 | 29/1/48  | 20/8/82  | 31/3/94                |
| 86)  | I  | M.S. Saluja      | 1975 | 18/7/51  | 20/8/82  | 31/3/94 Vol.Retired.   |
| 87)  | I  | R.K. Govil       | 1975 | 1/1/53   | 3/3/83   | 31/3/94                |
| 88)  | I  | Neeraj Mishra    | 1976 | 23/9/54  | 3/3/83   | 31/3/94 (NBR)          |
| 89)  | I  | B.P. Kukreti     | 1976 | 23/8/50  | 3/3/83   | 31/3/94                |
| 90)  | I  | Satish K. Sharma | 1976 | 8/1/52   | 3/3/83   | 31/3/94                |
| 91)  | I  | Vinay Kumar      | 1976 | 16/5/54  | 3/3/83   | 31/3/94                |
| 92)  | I  | R.K. Ghosh       | 1976 | 17/1/51  | 3/3/83   | 31/3/94                |
| 93)  | I  | Dharam Pal       | 1976 | 9/9/48   | 15/4/77  | 26/11/99               |
| 94)  | I  | S.A. Khan        | 1974 | 15/6/52  | 25/1/80  | 20/11/97               |
| 95)  | I  | A.N. Prasad      | 1975 | 1/5/48   | 11/4/82  | 31/3/95                |
| 96)  | I  | S.M. Verma       | 1975 | 6/8/51   | 11/4/82  | 31/3/95                |
| 97)  | I  | Shyamal Sinha    | 1976 | 14/11/49 | 3/3/83   | 31/3/95                |
| 98)  | I  | V.K. Motwani     | 1976 | 28/6/54  | 3/3/83   | 8/9/95                 |
| 99)  | I  | S.N. Kale        | 1977 | 13/9/53  | 4/12/83  | 8/9/95                 |
| 100) | I  | Diwakar Garg     | 1977 | 9/7/56   | 18/12/83 | 5/9/95                 |
| 101) | I  | Dinesh Kumar     | 1977 | 23/1/55  | 18/12/83 | 5/9/95                 |

| 1.     | 2.                      | 3.   | 4.       | 5.       | 6.      | 7.      |
|--------|-------------------------|------|----------|----------|---------|---------|
| 102) I | Sunny Kuruvilla         | 1977 | 4/3/55   | 18/12/82 | 5/9/95  |         |
| 103) I | Sunder Jethwani         | 1977 | 4/4/53   | 18/12/83 | 5/9/95  |         |
| 104) I | Anil Kumar Verma        | 1977 | 26/3/55  | 21/12/83 | 7/9/95  |         |
| 105) I | Anil Kumar<br>Sharma-II | 1977 | 22/9/55  | 30/12/83 | 8/9/95  |         |
| 106) I | V. Ramakrishnan         | 1977 | 1/12/50  | 30/12/83 | 8/9/95  |         |
| 107) I | R.C. Gupta              | 1971 | 30/11/47 | 28/4/77  | 19/9/95 |         |
| 108) I | B.N. Laha               | 1974 | 25/2/46  | 29/9/80  | 19/9/95 |         |
| 109) I | V.K.Sharma-I            | 1977 | 8/4/56   | 30/12/83 | 5/9/95  |         |
| 110) I | M. Annamalai(SC)        | 1977 | 1/1/55   | 30/12/83 | 6/9/95  |         |
| 111) I | Tejinder Singh(SC)      | 1977 | 29/6/54  | 30/12/86 | 10/9/95 |         |
| 112) I | V.K. Rokde(SC)          | 1977 | 29/1/54  | 30/12/86 | 10/9/95 |         |
| 113) I | S.H.Gondana(SC)         | 1977 | 30/7/52  | 10/1/84  | 8/9/95  |         |
| 114) I | P. Manickam(SC)         | 1977 | 10/4/54  | 10/1/84  | 6/9/95  |         |
| 115) I | Adesh Kumar (SC)        | 1977 | 21/1/55  | 10/1/84  | 6/9/95  |         |
| 116) I | Suraj Pal(SC)           | 1977 | 5/7/42   | 14/5/85  | 6/9/95  | Retired |
| 117) I | S.K. Singhal            | 1978 | 25/5/56  | 9/6/86   | 8/9/95  |         |
| 118) I | R.P. Mathur             | 1978 | 4/1/53   | 9/6/86   | 8/9/95  |         |
| 119) I | B.N. Malhotra           | 1978 | 22/1/56  | 9/6/86   | 8/9/95  |         |
| 120) I | Mukund Joshi            | 1978 | 30/7/56  | 9/6/86   | 8/9/95  |         |
| 121) I | Abhay Sinha             | 1978 | 30/6/58  | 9/6/86   | 8/9/95  |         |
| 122) I | Upendra Malik           | 1978 | 2/4/57   | 9/6/86   | 9/9/95  |         |
| 123) I | M.Thangamuthu           | 1978 | 3/11/55  | 9/6/86   | 31/3/97 |         |
| 124) I | Rajeev Kumar            | 1978 | 6/9/56   | 9/6/86   | 29/2/97 |         |
| 125) I | R.P.Golgonda(ST)        | 1978 | 2/9/56   | 9/6/86   | 2/4/97  |         |
| 126) I | D.S. Kapoor             | 1979 | 21/12/56 | 9/6/86   | 31/3/97 |         |
| 127) I | S.K. Srivastava         | 1979 | 18/2/58  | 9/6/86   | 31/3/97 |         |

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| 1.   | 2. | 3.                     | 4.   | 5.       | 6.       | 7.           |
|------|----|------------------------|------|----------|----------|--------------|
| 128) | I  | Nand Lal Singh         | 1979 | 25/7/57  | 9/6/86   | 31/3/97      |
| 129) | I  | Anil Kr. Garg          | 1979 | 19/6/57  | 9/6/86   | 31/3/97      |
| 130) | I  | Sukhdev Singh(SC)      | 1977 | 23/1/56  | 30/12/83 | 8/9/95       |
| 131) | I  | Jai Prakash(SC)        | 1977 | 5/9/51   | 10/1/84  | 8/9/95       |
| 132) | I  | Surinder Kumar         | 1975 | 13/10/40 | 10/3/82  | 31/3/97      |
| 133) | I  | Adarsh Kumar<br>Sharma |      | 22/9/55  | 30/12/83 | 31/3/97      |
| 134) | I  | P.K. Kulshreshtha      | 1979 | 13/10/54 | 9/6/86   | 28/4/97      |
| 135) | I  | P.P. Srinivasan        | 1979 | 10/8/56  | 9/6/86   | 31/3/97      |
| 136) | I  | Niranjan Singh(SC)     | 1979 | 2/7/52   | 18/7/86  | 31/3/97      |
| 137) | I  | Ramesh Chandra(SC)     | 1979 | 1/1/58   | 18/7/86  | 27/3/97      |
| 138) | I  | M.C.T. Pareva(SC)      | 1979 | 16/7/55  | 18/7/86  | 31/3/97      |
| 139) | I  | Balraj Chadha          | 1980 | 2/10/58  | 4/3/87   | 31/3/97      |
| 140) | I  | A. Manicavasagam       | 1980 | 9/12/49  | 27/3/87  | 31/3/97      |
| 141) | I  | Narender Kumar         | 1980 | 20/2/57  | 19/4/87  | 16/5/97      |
| 142) | I  | S.M. Kohli             | 1980 | 2/3/59   | 19/4/87  | 19/5/57(NBR) |
| 143) | I  | S.L. Jain              | 1980 | 27/1/53  | 1/7/87   | 19/5/97      |
| 144) | I  | V.K. Sharma-II         | 1980 | 14/12/56 | 1/7/87   | 19/5/97      |
| 145) | I  | S.K. Rastogi           | 1980 | 4/9/57   | 1/7/87   | 26/5/97      |
| 146) | I  | Deepak Gupta           | 1980 | 16/4/57  | 1/7/87   | 19/5/97      |
| 147) | I  | B.B. Dhar              | 1980 | 25/6/55  | 16/8/87  | 30/6/97      |
| 148) | I  | K.P. Abraham           | 1980 | 27/11/54 | 16/8/87  | 30/6/97(NBR) |
| 149) | I  | S.P. Singh             | 1980 | 2/3/56   | 16/8/87  | 30/6/97      |
| 150) | I  | V.K. Malik             | 1980 | 7/1/58   | 1/1/88   | 7/7/97       |
| 151) | I  | R.S. Rawat (ST)        | 1979 | 20/10/57 | 18/7/86  | 30/7/97      |
| 152) | I  | A.K. Silekar(ST)       | 1979 | 1/7/56   | 18/7/86  | 7/7/97       |
| 153) | I  | J.M. Swarup            | 1971 | 15/1/48  | 28/4/77  | 2/12/2000    |

| 1.     | 2.                | 3.   | 4.       | 5.      | 6.                   | 7. |
|--------|-------------------|------|----------|---------|----------------------|----|
| 154) I | R.K. Aggarwal     | 1980 | 20/9/58  | 30/6/88 | 18/11/2000           |    |
| 155) I | S.K. Garg         | 1980 | 4/1/60   | 5/7/88  | 7/11/2000            |    |
| 156) I | A.K. Garg         | 1981 | 27/3/59  | 5/7/88  | 9/11/2000 (NBR)      |    |
| 157) I | M.C. Bansal       | 1981 | 21/4/58  | 5/7/88  | 9/11/2000            |    |
| 158) I | A.P. Mathur       | 1981 | 21/3/58  | 5/7/88  | 8/11/2000            |    |
| 159) I | Deepak Thakur     | 1981 | 2/6/59   | 5/7/88  | 8/11/2000            |    |
| 160) I | Akhilesh Kumar    | 1981 | 10/2/59  | 12/8/88 | 7/11/2000 (NBR)      |    |
| 161) I | P.K. Vats         | 1981 | 27/5/60  | 12/8/88 | 7/11/2000            |    |
| 162) I | N.K. Gupta        | 1981 | 17/12/54 | 12/8/88 | 9/11/2000            |    |
| 163) I | Sudhir Singh      | 1981 | 7/6/58   | 12/8/88 | 8/11/2000            |    |
| 164) I | P.K. Singh        | 1981 | 3/3/60   | 22/9/88 | 8/11/2000            |    |
| 165) I | Adesh Kumar-II    | 1981 | 7/4/59   | 22/9/88 | 8/11/2000            |    |
| 166) I | Jayesh Kumar      | 1981 | 1/6/59   | 22/9/88 | 7/11/2000 (NBR)      |    |
| 167) I | P.K. Aggarwal     | 1981 | 22/7/59  | 22/9/88 | 7/11/2000 (Notional) |    |
|        |                   |      |          |         | 7/6/2001 (Actual)    |    |
| 168) I | H.N.J. Singh      | 1981 | 7/12/58  | 22/9/88 | 7/11/2000            |    |
| 169) I | R.K. Duggal       | 1981 | 30/6/59  | 22/9/88 | 7/11/2000            |    |
| 170) I | V.K. Jaiswal      | 1981 | 16/7/61  | 22/9/88 | 7/11/2000            |    |
| 171) I | K.M. Saini        | 1981 | 8/7/59   | 22/9/88 | 8/11/2000            |    |
| 172) I | R.K. Soni         | 1981 | 6/11/59  | 22/9/88 | 23/11/2000           |    |
| 173) I | Rajesh Mittal     | 1981 | 4/4/61   | 22/9/88 | 28/2/2001            |    |
| 174) I | S.K. Roy          | 1981 | 1/6/59   | 22/9/88 | 28/2/2001            |    |
| 175) I | A.S.S. Khurana    | 1981 | 23/10/59 | 22/9/88 | 28/2/2001 (Notional) |    |
|        |                   |      |          |         | 27/12/2001 (Actual)  |    |
| 176) I | Deepak Panwar(SC) | 1981 | 11/6/57  | 28/4/89 | 28/2/2001            |    |
| 177) I | A.K. Sharma       | 1982 | 8/7/60   | 28/4/89 | 9/4/2001             |    |
| 178) I | M.P. Jael         | 1976 | 22/4/53  | 3/3/83  | 25/10/2001           |    |

| 1.   | 2. | 3.                 | 4.   | 5.       | 6.       | 7.         |
|------|----|--------------------|------|----------|----------|------------|
| 179) | I  | B.B. Popli         | 1976 | 19/9/51  | 3/3/83   | 31/10/2001 |
| 180) | I  | S.R. Jaurker(SC)   | 1981 | 21/4/59  | 24/11/88 | 29/10/2001 |
| 181) | I  | V.T. Arasu(SC)     | 1981 | 26/3/55  | 24/11/88 | 29/10/2001 |
| 182) | I  | Umesh C. Mishra    | 1982 | 1/7/59   | 17/8/89  | 9/11/2001  |
| 183) | I  | R. Sampath         | 1982 | 23/12/56 | 17/8/89  | 29/10/2001 |
| 184) | I  | Rajendra Kalla     | 1982 | 1/12/59  | 17/8/89  | 29/10/2001 |
| 185) | I  | A.K. Pandit        | 1982 | 22/8/60  | 17/8/89  | 29/10/2001 |
| 186) | I  | G. Radhakrishan    | 1982 | 12/6/52  | 17/8/89  | 29/10/2001 |
| 187) | I  | Veer Sain (SC)     | 1982 | 1/1/59   | 17/8/89  | 29/10/2001 |
| 188) | I  | A.Anudeshwasan(SC) | 1982 | 25/5/56  | 17/8/89  | 9/9/2002   |
| 189) | I  | Bhagwan Singh(SC)  | 1982 | 15/3/58  | 17/8/89  | 6/9/2002   |
| 190) | I  | Shailendra Sharma  | 1983 | 21/5/63  | 16/1/91  | 6/9/2002   |
| 191) | I  | A.K. Rastogi       | 1983 | 6/3/60   | 25/7/96  | 9/9/2002   |

No.30/29/2002-EC.I/EW.1

Government of India

Ministry of Urban Development & Poverty Alleviation  
(Works Division)

New Delhi, dated the 20<sup>th</sup> November, 2003.

OFFICE ORDER

The President is pleased to promote the following Superintending Engineers (Civil) (pay scale Rs. 14300-18300) to the grade of Chief Engineers (Civil) in the pay scale of Rs. 18400-22400 in the CPWD from the date they assume charge of the post and until further orders.

S/Shri

1. Shri Ashok K. Mittal
2. N. Ravi
3. G.C. Khatter
4. Lalit Mohan
5. M.K. Goel
6. Suresh Kumar
7. P.C. Arora
8. K. Balakrishnan

2. Consequent upon promotion of the above mentioned officers, the Competent Authority has ordered the following postings/transfers in the grade of Chief Engineer (Civil) with immediate effect, until further orders:

| S.N. | Name of the officer<br>S/Shri              | Present place of<br>posting                     | Where posted                          | Remarks  |
|------|--|---|---------------------------------------|--|
| 1.   | V.K. Ghumre,<br>Chief Engineer<br>(Civil). | CE (IBBR) (M),<br>Siliguri.                     | CE (AA),<br>Mumbai                    | Vice Shri A.K.<br>Saxena, promoted.                        |
| 2.   | Ashok K. Mittal<br>On promotion.           | SE (Trg.) II,<br>Ghaziabad.                     | CE (IBBR)<br>(M), Siliguri.           | Vice Shri V.K.<br>Ghumre, transferred.                     |
| 3    | N. Ravi<br>On promotion.                   | SE (Trg.) (SR),<br>Chennai.                     | CE (Valuation),<br>Chennai.           | On proceeding on<br>deputation by Shri<br>H.K. Srivastava. |
| 4.   | G.C. Khatter<br>On promotion.              | SE (VBC), New<br>Delhi.                         | Chief<br>Engineer<br>(Civil)<br>APWD  | Vice Shri<br>A.K. Majumdar,<br>transferred                 |
| 5.   | A.K. Majumdar<br>Chief Engineer<br>(Civil) | Chief Engineer<br>(Civil), APWD,<br>Port Blair. | Chief<br>Engineer<br>(AA),<br>Chennai | Against a vacant<br>post                                   |
| 6.   | Lalit Mohan<br>On promotion.               | SE (P&A) SZ<br>III, Bangalore.                  | CE (AA),<br>Bangalore.                | Against a vacant<br>post.                                  |

Attested by

Chandrasekhar  
Adm

Contd - p.2

|     |                                  |                                      |                         |   |               |
|-----|----------------------------------|--------------------------------------|-------------------------|---|---------------|
| 7.  | M.K. Goel<br>On promotion.       | SE (Vigilance),<br>New Delhi.        | CE (BFZ),<br>New Delhi. | Against<br>vacancy of<br>Anant Ram.           | Leave<br>Shri |
| 8.  | Suresh Kumar<br>On promotion.    | SE (Enquiry),<br>New Delhi.          | CE (AA),<br>Kolkata.    | Against a vacant<br>post.                     |               |
| 9.  | P.C. Arora<br>On promotion.      | PM (SE), SJFP,<br>PWD, New<br>Delhi. | CE (NEZ),<br>Shillong.  | Vice Shri L.P.<br>Srivastava,<br>transferred. |               |
| 10. | Shri O.P. Bhatia<br>CE (Civil).  | On repatriation<br>from deputation.  | CE (AA),<br>Lucknow.    | Vice Shri S.S.<br>Juncja, retired.            |               |
| 11. | K. Balakrishnan<br>On promotion. | SE, Calicut<br>Central Circle.       | CE (SZ-I),<br>Chennai.  | Against a vacant<br>post.                     |               |

3. The posting/transfer orders in respect of Shri O.P. Bhatia are in partial modification of earlier Office Order No.30/8/2003/EC-I/EW-I dated 6.11.2003. Shri M.K. Goel will retire on superannuation on 30.11.2003 and, therefore, Shri Anant Ram, on return from leave, will report back as Chief Engineer (BFZ), New Delhi.

4. The transfer of Shri V.K. Ghumre, Chief Engineer (Civil) from Siliguri to Mumbai has been made on his request. Therefore, he will not get any TA/DA for this purpose. The remaining transfers mentioned are made in public interest.

(D.K. PALIWAL)  
UNDER SECRETARY TO THE GOVT. OF INDIA

To

1. DG(Works), CPWD (Shri K.N. Agarwal)
2. All Add. Directors General working in CPWD.
3. Chief Engineer (P&S) (Shri S.K. Singhal), CPWD
4. S/Shri V.K. Ghumre/O.P. Bhatia/P.K. Majumdar, Chief Engineers (Civil)
5. S/Shri Ashok Mittal/N.Ravi/G.C. Khatter/Lalit Mohan/M.K. Goel/Suresh Kumar/P.C. Arora/K. Balakrishnan, Superintending Engineers (Civil)
6. Chief Engineer, Appropriate Authority, Kolkatta/Mumbai/Chennai/Lucknow/Bangalore
7. Office of the Pay & Accounts officers, DG(Works), New Delhi/Northern Region, New Delhi/Eastern Region, Kolkatta/Southern Region, Chennai/Western Region, Mumbai.
8. Secretary, UPSC, Dholpur House, Shahjahan Road, New Delhi (Shri D.C. Bhatt, Deputy Secretary) with reference to their letter No.F.I/11(14)/2003/ AP.2 dated 1.7.2003.
9. Office of the Establishment Officer, (Ms. R. Jaya, Under Secretary), Department of Personnel and Training, North Block, New Delhi with reference to their letter No. 26/13/2003-EO.(SM.II) dated 11.11.2003.

Contd. - 3

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Copy for information to:-

1. PS to Hon'ble UDM
2. Sr. PPS to Secretary (UD)
3. PS to AS (UD)
4. PS to DS (Works)
5. All functionaries in Works Division
6. Hindi Section for Hindi version
7. Guard File

*D.K. Paliwal*  
(D.K. PALIWAL)  
UNDER SECRETARY TO THE GOVT. OF INDIA

No.15(790)/ACC-I/EL/2003/ 2556

Govt. of India  
Office of the Superintending Engineer

Assam Central Circle No.I  
Central Public Works Department  
Bamunimaidan, Guwahati 781 021

Dated, Guwahati the, 12<sup>th</sup> Sept., 2003.

To

The Chief Engineer(NEZ)  
CPWD, Dhankheti,  
Shillong 3.

Subject:- Promotion of J.P. Gupta, SE(Civil) to the post of Chief Engineer.

Dear Sir,

Kindly find enclosed herewith four copies of the representation addressed to Secretary, Ministry of Urban Development & Poverty Alleviation, Govt. of India. I would request your honour to kindly forward three copies of the representation to DG(W) with your comments and recommendation for favourable action please.

Enclo.: As stated.

Four Copies

Yours faithfully,

  
(J.P. Gupta) 08/09/03

S/ C Superintending Engineer

Attested by  
Bhattacharyya  
Adv.

Secretary,  
Ministry of UD&PA,  
Nirman Bhawan,  
New Delhi - 100 011.

9/03 (Through Proper Channel)  
Sub: Promotion of J.P. Gupta, SE (Civil) to Chief Engineer.

Sir,

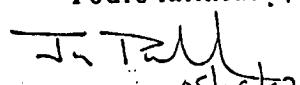
I beg to submit the following few lines for your kind consideration and favourable action please:

1. I joined the department on 2.1.1975 as AEE and consequently promoted as EE on 18.1.1979/16.4.1979 and S.E on 24.10.1990 with deemed date of promotion as 31.12.1989. My seniority No. is 33 as per the seniority list of Superintending Engineer (Civil) issued vide O.M. No.37/8/2002-ECI dated 25.10.2002.
2. I have been working as Superintending Engineer since 24.10.1990 with unblemished record handling all sorts of works i.e. field. Planning and Administration besides having done a course of Master's Diploma in Public Administration under Indian Institute of Public Administration, New Delhi securing Distinction marks i.e. more than 70% marks (mark sheet enclosed). (Annexure - I)
3. During my tenure as Superintending Engineer in Delhi Tourism & Transportation Development Corporation on deputation my performance was highly appreciated by Smt. P.M. Singh, IAS, Chairman & Managing Director, DTTDC Ltd., for timely and excellent quality of construction of Musical Fountain at Ajmal Khan Park, Karol Bagh, New Delhi. (Copy of appreciation letter D.O. No.S0/CMD/DTTDC/95 dated 20.12.1995 issued by Smt. P.M. Singh, IAS, Chairman & Managing Director of DTTDC Ltd is enclosed for perusal please. (Annexure - II)
4. I put in tremendous efforts to achieve targets when I was working as S.E DCC-VII since 12.4.99 by way of achieving actual workload of Rs. 31.08 crores during 1999-2000 and Rs. 31.78 crores during 2000-2001 against the workload norms of Rs. 22.76 crores (Rs. 5.69 x 4 Divisions). Copies of actual workload as achieved are enclosed for reference. (Annexure - III, & IV)
5. During the period of my posting as SE DCC-VII till 9.4.2001, certain works under my Circle were being closely monitored by Shri Jag Mohan (first as Hon'ble Minister of Communication and thereafter as Hon'ble Minister of U.D&PA) by way of frequent visits to the sites of works. All such works were timely and satisfactorily completed to the entire satisfaction of the Hon'ble Minister, who conveyed his appreciation for speed and quality during the inauguration function. Of Ahuja Park near NBCC Place, Lodhi Road.

6. However, now, it is understood when the DPC for forming panel of officers for promotion to Chief Engineer during 2003-04 has been held but my name has not been recommended for promotion whereas the names of my juniors i.e.. Shri P.C. Arora and others are there in the panel under consideration. It appears that my Reporting Chief Engineer might have under rated me during my tenure in Delhi Central Circle VII during the year 1999-2000 and 2000-2001 although works were handled efficiently, timely and satisfactorily under difficult conditions. Many such of works were being closely monitored by Hon'ble Minister. I have all along been rated before and after by various reporting/higher officers as very good/outstanding which may kindly be verified from my C.R. dossier.
7. With my performance all along I have never been given to understand by my superiors that my performance at any time was less than very good/outstanding i.e, the grade as required for promotion to the post of Chief Engineer since beginning of my working as Superintending Engineer. There has also never been any communication regarding down grading of C.R. from outstanding/very good to the level of Good. Although 'Good' itself is not an adverse entry but down grading entry from very good to good is a step down and should have been communicated to me as per Supreme Court ruling [JT 1996(1)SC 641] in the case of UP Jal Nigam and others Vs Prabhat Chandra Jain and Others (Downgrading tantamounts to Adverse Entry). Extract enclosed for perusal ( Annexure - V). Since such down grading of reports for the years 1999-2000 & 2000-2001 have not been communicated as such it is requested that these two reports should not form the basis of grading my performance.
8. It is very unfortunate that having an unblemished record in my service and achieving work load much more than the prescribed norms in Delhi Central Circle - VII and worked in important places under difficult working conditions i.e. BFR Circle, Kolkata, Border Fencing Zone Delhi, Delhi Tourism & Transportation Development Corporation Ltd., DCC-VII, SE (C&M) and presently as S.E ACC-I, Guwahati in North East my name has not been recommended in the panel of promotion to the post of Chief Engineer.
9. Sir, it is once again submitted that I have served the department for 28 years with unblemished record and served hard & difficult areas like Agartala, Tripura, Road & Fencing Works on Indo-Bangladesh Border & presently at Guwahati with full devotion to duty. It is therefore requested that my due and genuine promotion may kindly not be denied to me and I may kindly be promoted to the post of Chief Engineer on my turn.

Thanking you,

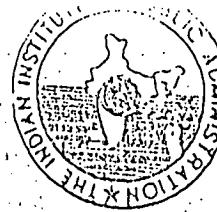
Yours faithfully,

  
( J.P. Gupta )

Superintending Engineer  
Assam Central Circle No.-I,  
CPWD, Bamuni Maidan,  
Guwahati-781021.

Copy to :-

Director General of Works, CPWD, Nirman Bhawan, New Delhi - 110011 for information and necessary action please.



-30-

ANNEXURE I

INDIAN INSTITUTE OF PUBLIC ADMINISTRATION  
NEW DELHI  
Seventeenth Advanced Professional Programme in Public Administration  
(1st July, 1991 to 31st March, 1992)

EXAMINATION AWARD

Roll No. 1713

Name: J.P. GUPTA

| Sr. No. | Subject                       | Weightage (Credits) | Max. Marks | Marks Awarded | Grade |
|---------|-------------------------------|---------------------|------------|---------------|-------|
| 01      | ECONOMICS                     | 1.0                 | 25.0       | 16.5          | B+    |
| 02      | POLITICAL SCIENCE             | 1.0                 | 25.0       | 13.0          | B     |
| 03      | SOCIOLOGY                     | 1.0                 | 25.0       | 13.5          | B     |
| 04      | PUBLIC ADMINISTRATION         | 1.0                 | 25.0       | 17.0          | B+    |
| 05      | OPERATIONS RESEARCH           | 1.0                 | 25.0       | 23.5          | A+    |
| 06      | ADMINISTRATIVE LAW            | 1.0                 | 25.0       | 16.0          | B+    |
| 07      | FINANCIAL MANAGEMENT          | 1.0                 | 25.0       | 17.0          | B+    |
| 08      | PERSONNEL MANAGEMENT          | 1.0                 | 25.0       | 16.5          | B+    |
| 09      | INDIAN ADMINISTRATIVE SYSTEM  | 0.5                 | 12.5       | 9.0           | A-    |
| 10      | INDIAN ECONOMIC DEVELOPMENT   | 0.5                 | 12.5       | 8.5           | B+    |
| 11      | SOCIAL CHANGE                 | 0.5                 | 12.5       | 8.5           | B+    |
| 12      | RESEARCH METHODOLOGY          | 0.5                 | 12.5       | 10.0          | A     |
| 13      | STATISTICS                    | 0.5                 | 12.5       | 12.0          | A+    |
| 14      | COMPUTER APPLICATIONS         | 0.5                 | 12.5       | 9.5           | A-    |
| 15      | MANAGEMENT INFORMATION SYSTEM | 0.5                 | 12.5       | 10.5          | A     |
| 16      | ORGANIZATIONAL BEHAVIOUR      | 1.0                 | 25.0       | 17.0          | B+    |
| 17      | PROJECT STUDY                 | 1.0                 | 25.0       | 21.5          | A     |
| 18      | VILLAGE STUDY                 | 1.5                 | 37.5       | 30.5          | A     |
| 19      | DISSERTATION                  | 6.0                 | 150.0      | 101.5         | B+    |
| 20      | VIVA VOCE                     | 1.5                 | 37.5       | 22.5          | B+    |
| 21      | OVERALL ASSESSMENT            | 1.5                 | 37.5       | 34.0          | A+    |
| TOTAL   |                               | 24.0                | 600.0      | 428.0         | A-    |

Awarded Master's Diploma in Public Administration

Division: FIRST WITH DISTINCTION

Dated : 31ST MARCH, 1992

Attested

M. Gulwani

Assistant Engineer (C.S.)

Room No. 335-A,

Block W.D., Nirman Bhawan,

New Delhi-110011

(BRIJ BHUSHAN)

Registrar

(BRIJ BHUSHAN)

Registrar

Indian Institute of Public Administration

Indraprastha Estate, Ring Road

New Delhi-110011

DELHI TOURISM & TRANSPORTATION  
DEVELOPMENT CORPORATION LTD.  
(A GOVERNMENT UNDERTAKING)

54  
ANNEXURE-II

Smt. P. M. Singh IAS  
Chairman & Managing Director

18-A, SCO Complex,  
Defence Colony,  
Post Box No. 3613  
New Delhi 110 024  
Phone: 4611712  
Fax: 91-011-4610500

D.O.No.SO/CMD/DTTDC/95  
Dated: 20.12.1995

Dear Sir/Guys,

I have noted with deep satisfaction the dedicated services rendered by you due to which the work of construction of Musical Fountain at Ajmal Khan Park could be completed within the time target and with excellent quality of construction.

I am sure that you will continue to function in such exemplary manner in the future also and uphold and enhance the good name of this Corporation.

With best wishes,

Yours sincerely,

Smt. P.M. Singh

Shri J.P. Gupta,  
Suptdg. Engineer,  
DTTDC.

## ANNUAL WORK LOAD REVIEW

EXTRACT OF ACTUAL WORK LOAD FOR THE YEAR 1999-2000

(All figures in lakhs of rupees)

| Name of<br>Circle/Divn. | Division wise number<br>of Sub-Divn.          | Expdः. dg. the year<br>construction i/c Deposit<br>work | WORK LOAD                     |                     |                     |                               | In financial<br>terms Col. 6 | In equivalent terms<br>Col. 6+2.25x Col. 8<br>+ Col. 8 |  |
|-------------------------|---|---|-------------------------------|---------------------|---------------------|-------------------------------|------------------------------|--|--|
|                         |   |   | Payment<br>to local<br>bodies | Purchase<br>of land | All other<br>expdr. | Payment to<br>local<br>bodies |                              |  |  |
| 2.                      | 3.  | 4.  | 5.                            | 6.                  | 7.                  | 8.                            | 9.                           | 10.  |  |
| <u>Delhi Central</u>    |   |   |                               |                     |                     |                               |                              |  |  |
| <u>Circle VII</u>       |   |   |                               |                     |                     |                               |                              |  |  |
| Divn.                   | 1. 3/D Kidwai Ngr(East) -<br>New Delhi.       |   |                               | 67.14               | 25.47               | 292.79                        | 359.93                       | 725.92   |  |
|                         | 2. 4/D,Laxmibai Ngr,<br>New Delhi             |   |                               |                     |                     |                               |                              |  |  |
|                         | 3. 5/D,Lodhi Road,<br>New Delhi.              |   |                               |                     |                     |                               |                              |  |  |
|                         | 1. 1/T, Lodhi Road,<br>New Delhi              |   | 126.72                        | 48.19               | 403.77              | 530.49                        | 1035.20                      |  | In comparison<br>to work load<br>having of Rs 22.<br>(Rs 5.69x4 Divn.) |
| Divn.                   | 2. 2/T,Lodhi Road,<br>New Delhi               |   |                               |                     |                     |                               |                              |  |  |
|                         | 3. 3/T,Lodhi Road<br>Complex,N.Delhi.         |   |                               |                     |                     |                               |                              |  |  |
|                         | 1. 1/J,Sarojini Ngr. -<br>New Delhi.          |   | 14.89                         | 5.31                | 310.82              | 325.71                        | 714.24                       |  | Ref No SE(SUS)<br>/173 dt 22.8.  |
| Divn.                   | 2. 2/J ---do--                                |   |                               |                     |                     |                               |                              |  |  |
|                         | 3. 3/J ---do---                               |   |                               |                     |                     |                               |                              |  |  |
|                         | 1. 1/U,CGO Complex,<br>New Delhi              |   | 22.68                         | 236.98              | 271.21              | 293.89                        | 632.90                       |  |  |
| Divn.                   | 2. 2/U, ---do---                              |   |                               |                     |                     |                               |                              |  |  |
|                         | 3. 3/U PV Hostel,<br>Lodhi Road,New<br>Delhi. |   |                               |                     |                     |                               |                              |  |  |
|                         | Total   |   | 231.43                        | 315.95              | 1278.59             | 1510.02                       | 3108.26                      |  |  |

92 21.58(2) | २१.५८(२) | व.क.प्र०-७ | व | 1778 dt. 26.6.01  
D.C.C. VII ANNUAL WORKLOAD REVIEW

Zone MDL-II. ABSTRACT OF ACTIVITIES PLANNED FOR THE YEAR 2000-2001

(All figures in lakhs of rupees)

| S.no. | Name of Circle/Division  | Division-wise number of sub-divisions | Expenditure of the year   |                       |              |                       |                                       |               | 1. Workload |           |           |
|-------|--------------------------|---------------------------------------|---------------------------|-----------------------|--------------|-----------------------|---------------------------------------|---------------|-------------|-----------|-----------|
|       |                          |                                       | Consn. & C. deposit works | Payments & collection | Interest &c. | All other expenditure | 1. Maintenance of minor & small works | 2. Irrigation | 3. Roads    | 4. Col. 1 | 5. Col. 2 |
| 1.    | 2.                       | 3.                                    | 4.                        | 5.                    | 6.           | 7.                    | 8.                                    | 9.            | 10.         |           |           |
| 1.    | Delhi Central Circle-VII | 1/5 Sargi in N.Delhi                  | —                         | —                     | 3.53         | 12.61                 | 307.45                                | 317.93        | 704.79      |           |           |
| 2.    | T Division               | 1/T Lodi Road N.Delhi                 | —                         | —                     | 204.52       | 97.08                 | 368.35                                | 572.87        | 1933.31     | 23        |           |
|       |                          | 2/T Lodi Road N.Delhi                 | —                         | —                     | —            | —                     | —                                     | —             | —           |           |           |
|       |                          | 3/T L.R. Complex N.Delhi              | —                         | —                     | —            | —                     | —                                     | —             | —           |           |           |
| 3.    | D Division               | 3/D - Kidwai Nagar N.Delhi            | —                         | —                     | 75.44        | 32.85                 | 285.54                                | 360.12        | 717.91      |           |           |
|       |                          | 4/D - Lajpat Nagar N.Delhi            | —                         | —                     | —            | —                     | —                                     | —             | —           |           |           |
|       |                          | 5/D - Lodi Road N.Delhi               | —                         | —                     | —            | —                     | —                                     | —             | —           |           |           |
| 4.    | U Division               | 1/U.C.G.O Complex Lajpati             | —                         | —                     | 92.82        | 252.64                | 279.56                                | 372.38        | 721.83      |           |           |
|       |                          | 2/U Chandni Chowk                     | —                         | —                     | —            | —                     | —                                     | —             | —           |           |           |
|       |                          | 3/U Lajpati Lajpati                   | —                         | —                     | —            | —                     | —                                     | —             | —           |           |           |
| Total |                          |                                       | —                         | —                     | 381.31       | 401.19                | 1242.90                               | 1624.21       | 3177.84     |           |           |

### II Comparison of Workload

now vs of Rs 22.76-Crores

(Rs 5.69 x 4 Division)

Ref: Mo. S.E. (S&S) / M.L. / 173  
dt. 22.08.02

मणिलाल नियमित्य  
दिल्ली केन्द्रीय वर्ष. 7  
क्र. २० तो २० निं. वर्ष. १०५. ४५५  
राजारामापुरम नक्काशी-६५

२००५/०६/०५

Contd. on next page

July, 2001

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Swamysnews

2.2 Such instructions have been repeatedly issued from time to time emphasizing the urgent need to observe the procedure prescribed through various OMs, Circulars, executive instructions which, though not prescribed by any statute, or rules framed under Article 309 of the Constitution of India are directory in nature. Accordingly, the circular which holds the field at a particular point of time is to be followed in its entirety.

#### Downgrading tantamounts to Adverse Entry:

3. In the case of *UP Jal Nigam & Others v. Prabhat Chandra Jain and Others* [JT 1996 (1) SC 641], the Hon'ble Supreme Court upheld the view taken by the High Court that downgrading of 'outstanding' report in a particular year, which in a succeeding year and without his knowledge is reduced to the level of 'satisfactory' without communication to him is certainly an adverse remark as it would affect the career prospect of the Subordinate Officer at some stage of his career. It was further observed by the Supreme Court that such downgrading should be communicated to the officer concerned as adverse remark so that the latter is not denied an opportunity to represent against it. It was further held that even if downgraded entry is stepped down, like from 'very good' to 'good', that may not be adverse entry both being positive, but even then it is desirable that the officer should be informed of such downgrading. Reasons for the change should be recorded in the CR. It was emphasized that even a positive confidential entry in a given case might be perilously adverse and to say that an adverse entry should always be qualitatively damaging may not be correct. Instructions contained in G.I. DP & AR, O.M. No. 21011/1 77-Estt., dated 30-1-1978 did emphasize the necessity of communication of all adverse entries in the CR of an officer, both on his performance as well as on his basic qualities and potential, along with a mention of good points, within one month of their being recorded. The communication is rightly directed to be in writing and acknowledgement should invariably be left on the CR.

#### Procedure where Reporting Officer is also the Reviewing Officer:

4. In a situation where the Reporting Officer, is the same as Reviewing Officer, there exists an arrangement in that, the second officer to verify the entries made by the Reporting Officer is either the accepting officer or the custodian of the CRs who is the cadre-controlling authority, who has been specifically made responsible to ensure that the time schedule for writing and sending the CRs to the concerned authority is strictly adhered to and the adverse remarks have been duly communicated to the officer concerned and representations against such adverse remarks are properly dealt with.

Prejudicial Reports should be based on facts.

5. Attention is invited to Para 1.74 (9) of P. & T. Circular and G.I., DP & AR, O.M. No. 51/3/74-Estt. (A), wherein it has been categorically emphasized that critics

No.15(790)/ACC-I/EI/2003/ 3161

**Govt. of India**  
**Office of the Superintending Engineer**  
**Assam Central Circle No.I**  
**Central Public Works Department**  
**Bamunimaidan, Guwahati 781 021**

Dated, Guwahati the, 4<sup>th</sup> Dec., 2003.

To

The Chief Engineer(NEZ)  
 CPWD, Dhankheti,  
 Shillong 3.

Subject:- Promotion of J.P. Gupta , SE(Civil) to the post of Chief Engineer.

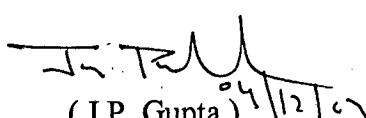
Dear Sir,

Kindly find enclosed herewith four copies of the representation addressed to Secretary, Ministry of Urban Development & Poverty Alleviation , Govt. of India. I would request your honour to kindly forward three copies of the representation to DG(W) with your comments and recommendation for favourable action please.

Enclo.: As stated.

(Four copies)

Yours faithfully,

  
 ( J.P. Gupta ) 4/12/03  
 S/ Superintending Engineer

Attested by  
 Choudhury  
 Adv

From  
Sh. J. P. Gupta,  
Superintending Engineer (Civil),  
Assam Central Circle-I, CPWD,  
Guwahati – 21.

Guwahati-21  
04.12.2003

To  
The Secretary,  
Ministry of Urban Development and Poverty Alleviation,  
Government of India, Nirman Bhavan, New Delhi-11

**(Through proper Channel)**

Sub: Representation for promotion to the post of Chief Engineer (Civil)-reg.

Ref: 1. My Representation dated 12.09.2003 (Copy enclosed)  
2. Order No. . 30/29/2002-ECI/E.W.I dt. 20.11.2003

Respected Sir,

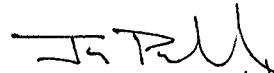
In continuation to my earlier representation dated 12.09.2003 sent through proper channel, I beg to state the following for your kind information and favourable consideration.

1. It is very much surprised to see the above order in which my name has not been included in list of officers promoted to the post of Chief Engineer (Civil) but my juniors' names Sh P.C. Arora & Sh. K. Balakrishnan have been included in the list and they have been promoted to the post of Chief Engineer (Civil).
2. Inspite of out-standing performances rendered by me as Superintending Engineer (Civil) in various capacities at different places in country including service rendered in remote places of North Eastern Region, i.e. earlier as Executive Engineer, Agartala w.e.f. 16.01.1979 to 29.01.1983 & presently as Superintending Engineer, Assam Central Circle-I, CPWD, Guwahati since 07.04.2003, it is very much regret to note that I have not been issued with my due promotion but my juniors have been issued with promotion orders.
3. Under these circumstances I hereby request your honour to issue promotion orders to me, which is due at the earliest with consequential benefits.

An early action of issuing my promotion is solicited please.

Encl: My Representation Dated 12.09.2003

Yours faithfully,

  
(J. P. Gupta) 12/03  
Superintending Engineer,  
Assam Central Circle -I,  
CPWD, Guwahati.

24 FEB 2003

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P.C.G.L.  
25/2/04  
C.G.S.C.IN THE GENERAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI

IN O.A.NO.276/2003

Shri Jai Parkash Gupta

Applicant

Versus

Union of India &amp; Others .....

Respondents

COUNTER REPLY ON BEHALF OF RESPONDENTS Nos 1 and 2

1&amp;2

MOST RESPECTFULLY SHOWETH :

That I, Shailendra Sharma working as Superintending Engineer(Admn.) in the office of Chief Engineer (NEZ), CPWD, Shillong under the Directorate General of Works, CPWD of the Ministry of Urban Development & Poverty Alleviation, Nirman Bhavan, New Delhi, do hereby solemnly affirm and state as under :-

1. That I am well conversant with the facts and circumstances of the case and I am fully competent to swear this counter reply against the OA. I have been authorized to file the counter reply on behalf of Respondents 1 & 2
2. That the deponent has read and understood the contents of the OA filed by the Applicant
3. That the averments of the Applicant, in the aforesaid application which are not specifically admitted, are denied.
4. That in order to have proper appreciation of the facts of the case, the answering Respondents crave leave to submit the following preliminary objections and brief facts of the case before giving the para-wise reply to the application.

Preliminary Objections.

1. This OA seeks to quash the office order dated 20-11-2003, issued by the Respondents pursuant to the acceptance by the Competent Authority the recommendations of the Departmental Promotion Committee (DPC) held in Union Public Service Commission (UPSC) on 27-6-2003 for selection of officers for regular promotion to the grade of Chief Engineer (Civil) ( a Group 'A' post in the Scale of pay Rs.18,400 – 22,400) in Central Public

Works Department (CPWD). By seeking directions to quash the office order mentioned above, the Applicant is actually challenging the recommendations of the duly constituted DPC which was chaired by Chairman, UPSC and was vested with full mandate in terms of the rules and instructions of the Government regarding holding of DPC, issued under Department of Personnel and Training (DP&T)'s O.M. No.2201/5/86-Estt.(D) dated 10-4-89 to devise its own method and procedure for objective assessment of the suitability of the candidate to consider them for regular promotion from the grade of Superintending Engineer (Civil) to the grade of Chief Engineer (Civil) on the basis of their service records. The Applicant cannot be permitted to sit in judgment over the DPC in assessing his suitability for promotion to the grade of Chief Engineer (Civil).

2. The Applicant has no cause of action because it is well settled that in promotion by selection one has no right to promotion but only the right to be considered for promotion on one's turn along with other eligible officers. The Applicant was considered for promotion by the DPC but on the basis of his service record, he could not be recommended for promotion to the grade of Chief Engineer (Civil) whereas his juniors with comparatively better record of service and conforming to the prescribed benchmark of 'Very Good' were recommended and promoted.
3. Non-selection for promotion is not a matter of judicial relief unless such determination is malafide. The Applicant has not brought out a case of malafide either against the DPC or the Respondents.
4. The application is bad in law for non-impleading of all proper and necessary parties who have been promoted as Chief Engineer (Civil) on regular basis vide the impugned office order dated 20-11-2003

#### Brief Facts of the Case

- (i) The post of Chief Engineer (Civil) in CPWD in the pay scale of Rs.18,400-500-22,400 (Revised) is filled on the basis of "Selection" from amongst Superintending Engineer (Civil) with 8 years regular service in the grade (including service, if any, rendered in the non-functional selection grade) or 17 years regular service in Group 'A' posts of the service out of which 4 years regular service should be in the grade of Superintending Engineer (Civil). A copy of the

relevant Recruitment Rules notified on 29-10-96 is at Annexure R-1.

- (ii) In terms of the revised guidelines on procedure to be followed by the DPCs issued under Department of Personnel and Training OM No.35034/7/97-Estt.(D) dated 8-2-2002 (Para 3.3) the bench mark prescribed for promotion to the posts in revised pay scale (grade) of Rs.12,000 – 16,500 and above (which includes the posts at the level of Chief Engineer (Civil) in CPWD where the mode of promotion is by ‘selection’ shall continue to be “Very Good” and that the DPC shall, for promotion, grade officers as ‘fit or unfit’ only with reference to the bench mark of ‘Very Good’. Only those who are graded as ‘fit’ shall be included in the select panel prepared by the DPC in order of their inter-se-seniority in the feeder grade. A copy of the OM dated 8-2-2002 is placed at Annexure R-2.
- (iii) A meeting of the DPC was held in UPSC on 27-6-2003 for selection of officers for promotion to the grade of Chief Engineer (Civil) in CPWD, against 09 vacancies of the year 2003-2004. The DPC after considering the character rolls of the senior most eligible officers including the Applicant, recommended 9 officers in the normal panel and 1 officer in the extended panel who was empanelled in place of Shri M.K. Goel (Sl.No. 5 in the panel) who was to retire on superannuation with effect from 30.11.2003 . The applicant was assessed as ‘unfit’ by the DPC. However a number of his juniors were assessed as ‘fit’ and included in the panel. The recommendations of the DPC was approved by the Appointments Committee of the Cabinet (ACC) and promotion orders in respect of 8n officers included in the panel were issued vide the impugned orders dated 20.11.2003 .
- (iv) The applicant was considered for promotion by the DPC but was assessed as ‘unfit’ for promotion on the basis of his service record with reference to the prescribed benchmark and has therefore not been promoted. On the other hand, his juniors on account of their comparatively better service record, have been assessed as fit for promotion by the DPC with reference to the prescribed benchmark and have been promoted with the approval of the competent authority. In view of the factual position explained above the applicant has no case to approach this Hon’ble Tribunal and this

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application is non maintainable and is therefore liable to be dismissed with costs in favour of the respondents.

PARA-WISE REPLY

1. The impugned office order dated 20.11.2003 has been issued pursuant to the acceptance and implementation by the competent authority, the recommendations of the duly constituted DPC held in the UPSC on 27.6.2003 to draw panels for regular promotion to the grade of CE(Civil), in accordance with the relevant rules and instructions of the Govt. The order does not suffer from any legal infirmity that would justify legal intervention of this Hon'ble Tribunal. Law is well settled that the Applicant cannot substitute his self-assessment for that of a regularly constituted DPC.
2. Jurisdiction of this Tribunal is not disputed.
3. This is a matter for arguments.
4. Facts of the case.
  - (4.1) The contents of this paragraph are matter of record.
  - (4.2) The contents of this paragraph are matter of record.
  - (4.3) The seniority list of SE(Civil) issued under OM dated 25.10.2002 and the position of the applicant vis-à-vis the Respondents No. 4 and 5 in the said seniority list is a matter of record.
  - (4.4) The contents of this Para are matter of record. In reply, it is submitted that in promotion by 'selection' the applicant has no right to promotion but only the right to be considered for promotion in his term along with other eligible officers. The applicant was considered by the DPC held on 27.6.2003 for promotion to the grade of Chief Engineer (Civil) but on the basis of his service record he was assessed as 'unfit' for promotion by the DPC. However, a number of his juniors (Respondents 4 and 5) were assessed as 'fit' for promotion by the DPC, with reference to the benchmark of 'very good' on basis of their service records and were therefore promoted with the approval of competent authority by the impugned office orders.
  - (4.5) In reply to this paragraph it is submitted that the applicant has not been promoted to the grade of Chief Engineer (Civil) not on account of some vigilance case pending against him or due to any adverse performance report, but the duly constituted DPC held in

UPSC on the basis of his record of service. The Applicant was assessed by the duly constituted DPC held in UPSC as 'unfit' for promotion with reference to the prescribed benchmark, during the Year 2003-04. Law is well settled that absence of 'adverse remarks against an officer does not entitle him to be selected for appointment to a 'selection' post [M. Gururaja Vs. GOI (1976) 1 Sl. R 161 (174-177) Knt]. It is respectfully submitted that the assessment of the officer for promotion is the function of the DPC which is makes on the basis of his Annual Confidential Reports (ACRs). The officer should meet the requirement of benchmark prescribed for promotion to the higher post. Hence averments are denied.

- (4.6) The contents of this paragraph except matter of record are wrong and denied. In reply, it is submitted that the existing rules/instructions and guidelines for DPC, issued under OM dated 10-4-89, lay down that the duly constituted DPC is fully competent to devise its own method and procedure for carrying out objective assessment of the suitability of the candidates considered for promotion. The DPC is not bound by the overall grading given in the ACRs but it has to make its own assessment of the work of the officer to be considered for promotion based on his ACRs. Hence, averments are denied.
- (4.7) The contents of this paragraph are wrong and denied. The DPC for promotion to the grade of Chief Engineer (Civil) for the vacancies of the year 2003-04 was held in UPSC on 27<sup>th</sup> June, 2003 and it would not have made any difference if the said DPC, as averred by the Applicant, had met ~~on~~ some other date and prepared the panel by 31-3-2003. Under the existing rules, the DPC is fully competent to devise its own method and procedure for carrying out objective assessment of the suitability of the candidate considered for promotion. There is no reason to believe that the DPC had not followed the existing instructions and had not applied them uniformly while making assessment of the officers in the present case for promotion to the grade of Chief Engineer (Civil) in CPWD for the year 2003-04.
- (4.8) The contents of this paragraph are wrong and denied. The Applicant cannot be permitted to adjudge the working of the DPC and substitute his own assessment over that of the DPC in matter of

promotion. The DPC in question was held in UPSC which is a highly experienced authority in the matter of selection of personnel for Group 'A' posts under the Government of India and it was presided over by a member of the UPSC.

- (4.9) The representations submitted by the Applicant dated 12.9.2003 and 4-12-2003 are matter of record. In reply, it is submitted that on the basis of his service record (Character Rolls) which was assessed by the duly constituted DPC held in UPSC, the Applicant has not been able to qualify for selection for promotion to the grade of Chief Engineer (Civil) in the year 2003-04.
- (4.10) The Govt. of India's instructions of 1983 regarding allowances and facilities of Central Govt. civilian employees posted in North Eastern Region is matter of record. The Applicant has been posted in North Eastern Region (Guwahati) in 2003 only.. The case of the Applicant for promotion to the grade of Chief Engineer (Civil) has been considered by the duly constituted DPC held in UPSC on the basis of the existing instructions on the subject. Hence, averments are denied.
- (4.11) In reply to this paragraph, it is submitted that the non-promotion of the applicant is not on account of any vigilance case pending against him or any adverse remarks in his ACRs. The Applicant could not be promoted against the vacancies of the year 2003-04 on the basis of his service records which was considered by the duly constituted DPC, who assessed him as "unfit" for promotion with reference to the prescribed benchmark. In view of the factual position explained above, the Applicant has no case to approach this Hon'ble Tribunal and this application is non maintainable and is, therefore, liable to be dismissed with costs in favour of the Respondents.

5. GROUNDs.

In view of the submissions made herein above, none of the grounds mentioned by the Applicant in sub-paragraph 5.1 to 5.6. is maintainable. The citation quoted by the Applicant in sub-para 5.3 is misconceived and misplaced and do not advance the claim of the Applicant who was not a party in that case. It is, respectfully, submitted that the Hon'ble Supreme Court judgment in the case of

UP Jal Nigam pertains to the regulation of the system of writing ACRs prevailing in UP Jal Nigam. It is not a judgement in rem but is applicable only to the employees parties concerned and not to the Applicant who is an employee of Central PWD under Central Government and is governed by different set of Service Rules and rules for writing and maintenance of Annual Confidential Reports. It is, further, submitted that any grading below the bench mark prescribed for promotion to the grade of Chief Engineer in the ACR of the Applicant is not an 'adverse' entry and therefore, as per the existing instructions of the Central Government on the communication of adverse entries in the ACR, there is no legal requirement that the said grading should have also been communicated to the Applicant before considering his case for promotion to the next higher grade. Besides, the grading of the Applicant in the ACR is given by his superior officers on the basis of his performance during a particular year whereas the assessment of the DPC is based on the overall performance of the officer as reflected in his ACRs over the period considered by the DPC and is for the purpose of deciding his suitability for promotion. Thus, the present application is devoid of any merit and is liable to be dismissed with costs in favour of the Respondents.

6. This para needs no reply in view of the submissions made in the preceding paragraphs.
7. The averments made in this paragraph are denied for want of knowledge.
- 8&9 In view of the factual position and reply on merits furnished herein above with legal submissions made therein, none of the reliefs prayed for by the applicant is legally admissible to him. The present OA being devoid of any merit is liable to be dismissed with costs in favour of the Respondents. It is prayed accordingly.
- 10to12 The contents of these paragraphs need no reply being formal in nature.

DEPONENT.

-44-  
6X

**VERIFICATION.**

I, **Shailendra Sharma** working as Superintending Engineer (Admn.) in the office of Chief Engineer(NEZ), CPWD, Shillong, under the Directorate General of Works, CPWD, of Ministry of Urban Development and Poverty Alleviation, Nirman Bhavan, New Delhi, do hereby verify that the contents of the above counter reply are true and correct to my knowledge which is derived from the office records and upon information contained therein. Nothing material has been concealed there from

Verified at Guwahati on this

day of January, 2004.

  
DEPONENT

# भारत का राजपत्र

## The Gazette of India



असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खंड (i)

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शहरी कार्य और रोजगार मंत्रालय

(शहरी विकास विभाग)

अधिसूचना

नई दिल्ली, 28 अक्टूबर, 1996

सा.का.नि. 500(अ)।—राष्ट्रपति, संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय इंजीनियरी समूह "क" भर्ती नियम, 1954 (सं. का.नि.आ. 1841, तारीख 21 मई, 1954) और केन्द्रीय इंजीनियरी सेवा वर्ग-1 भर्ती नियम, 1961 (सं. सा.का.नि. 233, तारीख 10 फरवरी, 1961) को अधिक्रान्त करते हुए उन वार्तों के सिवाय जिन्हें ऐसे अधिकमण से पहले किया गया है या करने का सोप किया गया है, निम्नलिखित नियम बनाते हैं, अर्थात्—

1. संक्षिप्त नाम और प्रारंभ—(1) इन नियमों का संक्षिप्त नाम शहरी कार्य और रोजगार मंत्रालय (शहरी विकास विभाग), केन्द्रीय इंजीनियरी (सिविल) समूह "क" सेवा नियम, 1996 है,

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. परिभाषा—इन नियमों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,

(क) "नियत दिन" से वह तारीख अभिप्रेत है जिसको ये नियम प्रवृत्त होते हैं,

(ख) "आयोग" से संघ सेवा आयोग अभिप्रेत है,

(ग) "नियंत्रक प्राधिकारी" से भारत सरकार का शहरी कार्य और रोजगार मंत्रालय अभिप्रेत है,

(घ) "विभागीय प्रोन्नति समिति" से ऐसी समिति अभिप्रेत है, जिसका गठन किसी भी श्रेणी में प्रोन्नति या उसकी पुष्टि पर विचार करने के लिए किया गया है,

(ङ) "इयूटी पद" से अनुसूची-1 में सम्मिलित कोई पद अभिप्रेत है,

(च) "सरकार" से भारत सरकार अभिप्रेत है,

(छ) "श्रेणी" से सेवा की श्रेणी अभिप्रेत है,

(ज) "नियमित सेवा" से किसी श्रेणी के संबंध में उस श्रेणी में नियमित नियुक्ति के लिए विहित प्रक्रिया के अनुसार नियमों के अधीन उसके चयन और नियुक्ति के परचात् उस श्रेणी में की गई सेवा की अवधि या अवधियाँ

अभिप्रेत हैं और जिसके अन्तर्गत निम्नलिखित अधिकार या अवधियाँ भी हैं—

(1) नियम 6 के अधीन नियुक्ति किए गए व्यक्तियों के मामलों में उनकी ज्येष्ठता के प्रयोगन के लिए गणना में लिया गया,

(2) जिसके दैरान अफिसर उस श्रेणी में इयूटी पद यदि वह छुट्टी पर होने के या अन्यथा किसी कारण से ऐसा पद धारण करने के लिए उपलब्ध रहा होता तो धारण करता।

(झ) "अनुसूची" से इन नियमों से संलग्न अनुसूची अभिप्रेत है,

(झ) "अनुसूचित जातियाँ और अनुसूचित जनजातियाँ" के घरी अर्थ होंगे जो भारत के संविधान के अनुच्छेद 366 के क्रमशः खंड (24) और खंड (25) में उनके लिए समनुदिष्ट हैं और "अ.पि.ब." से अन्य पिछड़ा वर्ग अभिप्रेत है और उसका वही अर्थ होगा तथा वह उसी प्रकार सामूह होगा जैसा कि कार्यिक और प्रशिक्षण विभाग के कार्यालय ज्ञापन संख्या 36012/22/93-स्थापन (एस.सी.टी.) तारीख 8 सितम्बर, 1993 में अधिकारित है, और

(ट) "सेवा" से नियम 3 के अधीन गठित केन्द्रीय इंजीनियरी सेवा (सिविल) समूह "क" सेवा अभिप्रेत है।

3. सेवा का गठन—अनुसूची-1 से याचिनिर्दिष्ट सेवा में सम्मिलित सभी इयूटी पद केन्द्रीय इंजीनियरी (सिविल) समूह "क" सेवा का गठन करेंगे।

4. ग्रेड, संख्या और इसका पुनर्विस्तोकन—(1) इन नियमों के प्रारंभ होने की तारीख को सेवा के विभिन्न ग्रेडों में सम्मिलित इयूटी पद, उनकी संख्या और वेतनमान वे होंगे जैसे कि अनुसूची-1 में विनिर्दिष्ट है।

(2) उपनियम (1) में किसी बात के होते हुए भी सरकार—

(क) समय-समय पर आदेश द्वारा विभिन्न श्रेणियों में इयूटी पदों की संख्या में ऐसी अवधि के लिए जैसी उसमें विनिर्दिष्ट की जाए अस्थायी परिवर्धन या परिवर्तन करं सकेगी,

- (ख) आयोग के परामर्श से, सेवा में ऐसे पदों की सम्प्रिलित कर सकेगी जिन्हें अनुसूची-1 में सम्प्रिलित पद उनकी हैं सियत या वेतनमान के समतुल्य समझे जा सके या उक्त अनुसूची में सम्प्रिलित किसी इयूटी पद को सेवा से अपवर्जित कर सकेगी।
- (ग) आयोग के परामर्श से, खंड (ख) के अधीन सेवा में सम्प्रिलित इयूटी पद पर किसी अधिकारी की अस्थायी रूप से या अधिकारीय रूप से नियुक्त कर सकेगी और सदृश श्रेणी में निरंतर नियमित सेवा को ध्यान में रखते हुए उसकी ज्येष्ठता नियत कर सकेगी।
5. सेवा के सदस्य—(1) निम्नलिखित व्यक्ति सेवा के सदस्य होंगे :—
- (क) नियम 6 के अधीन इयूटी पद पर नियुक्त व्यक्ति, और
- (ख) नियम 7 के अधीन इयूटी पद पर नियुक्त व्यक्ति।
- (2) उपनियम (1) के खंड (क) के अधीन नियुक्त व्यक्ति, ऐसी नियुक्ति पर अनुसूची-1 के अधीन उसे लागू समुचित श्रेणी में सेवा का सदस्य माना जाएगा।
- (3) उपनियम (1) के खंड (ख) के अधीन नियुक्त व्यक्ति ऐसी नियुक्ति की तारीख से अनुसूची-1 के अधीन उसे लागू समुचित श्रेणी में सेवा का सदस्य होगा।

6. सेवा का आरंभिक गठन—(1) इन नियमों की प्रारंभ की तारीख को केंद्रीय इंजीनियरी सेवा, समूह "क" में नियमित आधार पर समूह "क" इयूटी पद धारण कर रहे सभी विद्यमान अधिकारी अपनी-अपनी श्रेणियों में सेवा के सदस्य होंगे।
- (2) इन नियमों के आरंभ से पूर्व उप नियम (1) में निर्दिष्ट अधिकारियों की नियमित निरंतर सेवा को सेवा में उनकी प्रोन्नति, पुष्टि और पेशन के लिए परिवीक्षा, ज्येष्ठता और अर्हक सेवा के प्रयोजन के लिए गणना में लिया जाएगा।

- (3) वह सीमा जिस तक नियंत्रण प्राधिकारी इस नियम के उपबंधों के अनुसार सेवा की विभिन्न श्रेणियों की प्राधिकृत नियमित संख्या में पदों को भरने के लिए समर्थ नहीं है तो उन्हें नियम 7 और नियम 8 के उपबंधों के अनुसार भरा जाएगा।

7. सेवा का भावी अनुरक्षण—नियम 6 के अधीन आरंभिक गठन के पश्चात् अनुसूची-1 में निर्दिष्ट किसी भी श्रेणी में रिक्त इयूटी पद निम्नलिखित रीति से भरे जाएंगे, अर्थात् :—

- (i) सहायक कार्यपालक इंजीनियर की श्रेणी में सभी रिक्तियां अनुसूची 3 में शैक्षणिक अहंता और आयु सीमा के आधार पर आयोग द्वारा संचालित सम्प्रिलित इंजीनियरी सेवा परीक्षा के परिणाम के आधार पर सीधी भर्ती द्वारा भरी जाएंगी,
- (ii) कार्यपालक इंजीनियर और उससे ऊपर की श्रेणियों में सभी रिक्तियां अनुसूची-2 में विनिर्दिष्ट न्यूनतम अर्हक सेवा सहित आगली निचली श्रेणी के अधिकारियों में प्रोन्नति द्वारा भरी जाएंगी।
- (iii) (क) सहायक कार्यपालक इंजीनियर से कार्यपालक इंजीनियर के पद और अधीक्षण इंजीनियर (कनिष्ठ प्रशासनिक श्रेणी) की अधीक्षण इंजीनियर (चयन श्रेणी) के लिए प्रोन्नति के मामलों के सिवाय प्रोन्नति के लिए अधिकारियों का चयन अनुसूची-4 में यथाविनिर्दिष्ट विभागीय प्रोन्नति समिति द्वारा योग्यता के आधार पर किया जाएगा,
- (ख) कार्यपालक इंजीनियर के पद पर पदोन्नति के लिए सहायक कार्यपालक इंजीनियर के चयन उनकी ज्येष्ठता के क्रम में उपयुक्तता के अधीन रहते हुए किया जाएगा,
- (ग) अधीक्षण इंजीनियर (कनिष्ठ प्रशासनिक श्रेणी) की अधीक्षण इंजीनियर (चयन श्रेणी) के पद पर नियोजन उनकी उपयुक्तता के आधार पर ज्येष्ठता के क्रम में, सरकार द्वारा समय-समय पर जारी किए गए मार्गदर्शक सिद्धान्तों के अनुसार उनके सम्पूर्ण कार्य अनुभव और अन्य संबंधित बातों को ध्यान में रखते हुए किया जाएगा,
- (iv) यदि किसी पद पर नियुक्त व्यक्ति का उच्च पद पर पदोन्नति के प्रयोजन के लिए विचार किया जाता है, उस श्रेणी में ज्येष्ठ सभी व्यक्तियों की बाबत भी इस बात के होते हुए भी कि वे विहित पात्रता सेवा पूरी नहीं करते हैं, विचार किया जाएगा, यदि कभी एक वर्ष से अधिक नहीं है और वे अपनी

- परिवीक्षा की अवधि यदि विहित हो गई है सफलतापूर्वक पूरी करती है।
- (v) केंद्रीय इंजीनियरी सेवा (सिविल) समूह "क" और केंद्रीय इंजीनियरी सेवा (वैद्युत और यांत्रिकी) समूह "क" के सामान्य काडर के पद, मुख्य इंजीनियर और अधीक्षण इंजीनियर के पदों के लिए अपनी-अपनी विभागीय पदोन्नति समिति द्वारा पैनलित अधिकारियों की नियुक्ति द्वारा भरे जाएंगे।

8. इयूटी पदों को प्रतिनियुक्ति द्वारा भरना—नियम 7 में किसी बात के होते हुए भी, जहां सरकार की यह राय है कि ऐसा करना आवश्यक या समीक्षीय है वहां ऐसे कारणों को लेखदृढ़ करते हुए, आयोग के परामर्श से किसी भी श्रेणी में ऐसी अवधि के लिए जो तीन वर्ष से अधिक न हो तो जिसका विशेष परिस्थितियों में पांच वर्ष की अवधि तक विस्तार किया जा सकता है जैसा सरकार उचित समझे, प्रतिनियुक्ति पर स्थानांतरण द्वारा इयूटी पद भरा जाएगा। इस नियम के अधीन सेवा की किसी श्रेणी में नियुक्ति के लिए अर्हता, अनुभव और अर्हक सेवा का प्रयोक्त अवसर पर आयोग के परामर्श से सरकार द्वारा विनिश्चय किया जाएगा।

9. ज्येष्ठता—(1) नियम 6 के अधीन इयूटी पद पर नियुक्त सेवा के सदस्यों की अपेक्षित ज्येष्ठता, इन नियमों के प्रारंभ की तारीख की यथा विद्यमान रूप में होगी :

- परन्तु यदि उक्त तारीख को किसी ऐसे सदस्य की ज्येष्ठता विनिर्दिष्टतया अवधारित नहीं की गई थी, यह इन नियमों के प्रारंभ होने से पूर्व सेवा के सदस्यों को यथा लागू ज्येष्ठता नियतन को विनियमित करने वाले नियमों के आधार पर अवधारित की जाएगी।

- (2) नियम 6 के अधीन नियुक्त व्यक्तियों से भिन्न सेवा में भर्ती व्यक्तियों की ज्येष्ठता समय-समय पर इस नियमित सरकार द्वारा जारी सामान्य अनुदेशों के अनुसार अवधारित की जाएगी।

- (3) कूपर उपनियम (1) और उपनियम (2) के अधीन न आने वाले मामलों में ज्येष्ठता सरकार द्वारा आयोग के परामर्श से अवधारित की जाएगी।

10. परिवीक्षा—(1) प्रत्येक अधिकारी, या तो सीधी भर्ती या पदोन्नति द्वारा सेवा में नियुक्ति पर दो वर्ष की अवधि के लिए परिवीक्षा पर रहेगा :

- परन्तु नियंत्रक प्राधिकारी समय-समय पर इस नियमित जारी अनुदेशों के अनुसार परिवीक्षा अवधि का विस्तार कर सकता है :

- परन्तु यह और कि परिवीक्षा की अवधि के विस्तार के लिए कोई विनिश्चय परिवीक्षा की आरंभिक अवधि की समाप्ति के पश्चात् आठ सालों के भीतर लिया जाएगा और उक्त अवधि के भीतर ऐसा करने के कारणों के साथ संबंधित अधिकारी को लिखित में संसूचित किया जाएगा।

- (2) परिवीक्षा की अवधि पर य उसकी किसी विस्तारित अवधि के पूरा होने पर अधिकारी यदि स्थायी नियुक्ति के योग्य मान गया है तो समय-समय पर जारी सरकार के आदेशों के अनुदेशों के अनुसार उसकी पुष्टि के लिए विचार किया जाएगा।

- (3) यदि, यथाविनियम, परिवीक्षा की अवधि य उसकी किसी विस्तारित अवधि के दौरान सरकार की यह राय है कि कोई अधिकारी स्थायी नियुक्ति के योग्य नहीं है तो सरकार अधिकारी को यथाविनियमित सेवा मुक्त कर सकेगी या उसे उसकी नियुक्ति से पूर्व उसके द्वारा धारित पद पर प्रत्यावर्ति कर सकेगी।

- (4) सरकार, परिवीक्षा की अवधि य उसकी किसी विस्तारित अवधि के दौरान, किसी अधिकारी से प्रशिक्षण के ऐसे पाठ्यक्रम के कारण या ऐसी परीक्षा अथवा परीक्षण (जिसके अन्तर्गत हिन्दी परीक्षा भी सम्प्रिलित है) उत्तीर्ण करने की अपेक्षा कर सकेगी जैसी सरकार परिवीक्षा को संतोषप्रद पूरा करने के लिए शर्त के रूप में आवश्यक समझे।

- (5) परिवीक्षा से संबंधित अन्य मामलों के विषय में, सेवा के सदस्य समय-समय पर इस नियमित सरकार द्वारा जारी किए गए आदेशों और अनुदेशों द्वारा शासित होंगे।

11. सेवा में नियुक्ति—सेवा में की सभी नियुक्तियां, सेवा की विभिन्न श्रेणियों में इयूटी पदों के लिए नियंत्रक प्राधिकारी द्वारा की जाएंगी।

12. तैनाती—सेवा में नियुक्त अधिकारी भारत या विदेश में कहीं भी सेवा करने का दायी होगा।

13. रक्षा सेवाएं या रक्षा से संबंधित पदों पर सेवा करने का दायित्व सेवा में नियुक्त कोई अधिकारी, यदि ऐसी अपेक्षित हो, चार वर्ष से अन्युन अवधि के लिए जिसके अन्तर्गत प्रशिक्षण पर विताई गई अवधि भी है, यदि कोई है, किसी रक्षा सेवा या भारत की रक्षा से संबंधित पद पर सेवा करने का दायी होगा।

परन्तु ऐसे अधिकारी से,—

- (i) सेवा में नियुक्त की तारीख से दस वर्ष की समिलित के पश्चात् या सेवा में उसके सम्मिलित होने की तारीख से यथापूर्वोक्त सेवा करने की अपेक्षा नहीं की जाएगी,
- (ii) यथापूर्वोक्त सेवा करने के लिए साधारणतया अपेक्षा नहीं की जाएगी यदि उसने चालीस वर्ष की आयु पूरी कर ली है।

#### 14. निरहता—वह व्यक्ति—

- (क) जिसने ऐसे व्यक्ति से जिसका पति या पत्नी जीवित है, विवाह किया है,
- (ख) जिसने अपने पति या अपनी पत्नी के जीवित होते हुए किसी व्यक्ति से विवाह किया है,

उक्त पद पर नियुक्ति का पात्र नहीं होगा:

परन्तु यदि केन्द्रीय सरकार का यह समाधान हो जाता है कि ऐसा विवाह ऐसे व्यक्ति और विवाह के अन्य पक्षकार को लागू स्वीय विधि के अधीन अनुरोध है और ऐसा करने के लिए अन्य आधार है तो वह किसी व्यक्ति को इस नियम के प्रवर्तन से छूट दे सकेगी।

15. सेवा की अन्य शर्तें—ऐसे विषयों की बाबत सेवा के सदस्यों की ऐसी शर्तें, जिनके इन नियमों में कोई विनिर्दिष्ट उपबंध नहीं किया गया है वहाँ होंगी जैसा समय-समय पर केन्द्रीय सरकार के समतुल्य ईक के अधिकारियों को लागू होगी।

16. शिथिल करने की शक्ति—जहाँ केन्द्रीय सरकार की यह राय है कि ऐसा करना आवश्यक या समीचीन है, वहाँ वह उसके लिए जो कारण हैं उन्हें लेखबद्ध करके तथा संघ लोक सेवा आयोग से परामर्श करके, इन नियमों के किसी उपबंध को किसी वर्ग या प्रवर्ग के व्यक्तियों की बाबत, आदेश द्वारा शिथिल कर सकेगी।

17. व्यावृत्ति—इन नियमों की कोई बात, ऐसे आरक्षण आयु सीमा में छूट और अन्य विषयों पर प्रभाव नहीं डालेगी, जिनका केन्द्रीय सरकार द्वारा इस सम्बन्ध में समय-समय पर निकाले गए आदेशों के अनुसार अनुसूचित जातियों, अनुसूचित जन-जातियों, भूतपूर्व सैनिकों और अन्य विशेष प्रवर्ग के व्यक्तियों के लिए उपबंध करना अपेक्षित है।

#### अनुसूची-1

##### (नियम 3 देखिए)

संभं (3) में दर्शित किए गए पदों में कुछ विभागों में जैसे आय-कर आदि और केन्द्रीय इंजीनियर (सिविल) समूह "क" काडर में सम्मिलित है, स्वीकृत पद भी सम्मिलित है।

| क्र.सं. | इयूटी पद और श्रेणी का नाम                          | पदों की सं.* | वेतनमान                     |
|---------|--|--------------|-----------------------------|
| 1.      | मुख्य इंजीनियर (सिविल)                             | 40           | 5900-200-6700               |
| 2.      | अधीक्षण इंजीनियर (सिविल) अकृत्यिक                  | **           | 4500-150-5700               |
| 3.      | अधीक्षण इंजीनियर (सिविल) (कनिष्ठ प्रशासनिक श्रेणी) | 130@         | 3700-125-4700-150-5000      |
| 4.      | कार्यपालक इंजीनियर (सिविल)                         | 494@         | 3000-100-3500-125-4500      |
| 5.      | सहायक कार्यपालक इंजीनियर (सिविल)                   | 60           | 2200-75-2800-द.रो.-100-4000 |
| 6.      | सहायक कार्यपालक इंजीनियर (सिविल) (छहटी आरक्षित)    | 20           | 2200-75-2800-द.रो.-100-4000 |

\*1996 में, कार्यभार के आधार पर परिवर्तन किया जा सकता है।

@ 4500-150-5700 रु. के वेतनमान में अकृत्यिक चयन श्रेणी पद भी सम्मिलित है।

\*\* कनिष्ठ प्रशासनिक श्रेणी (श्रेणी चयन) अकृत्यिक है और इस श्रेणी में पदों की अधिकतम संख्या ऐसे इयूटी पदों के पद्धति प्रतिशत के बाबर होती (अर्थात् ऐसे वेतनमान और सेवा में उपर के स्तर पर सभी इयूटी पद और चयन श्रेणी (अकृत्यिक) में पदों की अधिकतम संख्या कनिष्ठ प्रशासनिक श्रेणी में स्वीकृत पदों की संख्या तक सीमित होती)।

टिप्पणी : मुख्य इंजीनियर के तीन पद और अधीक्षण इंजीनियर के छह पदों के द्वारा देखिये इंजीनियरी (सिविल) समूह "क" सेवा तथा केन्द्रीय इंजीनियरी वैद्युत और यांत्रिकी समूह "क" सेवा के लिए सामान्य काडर पद है।

#### अनुसूची-2

##### [नियम 7(ii) देखिए]

केन्द्रीय इंजीनियरी (सिविल) समूह "क" सेवा की विभिन्न श्रेणियों में सम्मिलित इयूटी पदों की प्रोनाति पर अधिकारियों की नियुक्ति के लिए ठीक निम्न श्रेणी में भर्ती पद्धति, प्रोनाति क्षेत्र और न्यूनतम अर्हक सेवा

| क्र. सं. | इयूटी पद और श्रेणी का नाम                                | भर्ती पद्धति                    | चयन क्षेत्र, प्रोनाति के लिए न्यूनतम अर्हक सेवा और शैक्षिक अर्हता   |
|----------|--|---------------------------------|---|
| (1)      | (2)  | (3)                             | (4)   |
| 1.       | मुख्य इंजीनियर (सिविल)                                   | प्रोनाति द्वारा                 | श्रेणी में आठ वर्ष की नियमित सेवा सहित अधीक्षण इंजीनियर (सिविल) जिसके अन्तर्गत सेवा भी है, यदि कोई अकृत्यिक चयन श्रेणी में की गई थी या सेवा समूह "क" पदों से सत्रह वर्ष की नियमित सेवा जिसमें से चार वर्ष की नियमित सेवा अधीक्षण इंजीनियर (सिविल) की श्रेणी में होनी चाहए।  |
| 2.       | अधीक्षण इंजीनियर (सिविल) (अकृत्यिक) और अन्य (चयन श्रेणी) | संपूर्ण कार्य (प्रोनाति द्वारा) | अधीक्षण इंजीनियर (सिविल) (कनिष्ठ प्रशासनिक श्रेणी) जो संबंधित मामलों को ध्यान में रखते हुए वर्ष से संगणित वर्ष की पहली ज्येष्ठता और और उप-युक्ताता के आधार पर नियुक्ति द्वारा वर्ष से संगणित वर्ष की जुलाई को समूह "क" सेवा के चौदहवें वर्ष में प्रवेश कर चुके हैं या सहायक इंजीनियर से प्रोनाति अधिकारी के मामलों में जो ज्येष्ठ वेतनमान में प्रोनाति की तारीख से संगणित समूह "क" में नौ वर्ष सेवा कर चुका है। |
| 3.       | अधीक्षण इंजीनियर (सिविल) (कनिष्ठ प्रशासनिक श्रेणी)       | प्रोनाति द्वारा                 | श्रेणी में पांच वर्ष की नियमित सेवा सहित कार्यपालक इंजीनियर (सिविल) किसी मान्यताप्राप्त विश्वविद्यालय की सिविल इंजीनियरी में डिग्री या समतुल्य।   |
| 4.       | कार्यपालक इंजीनियर (सिविल)                               | प्रोनाति द्वारा                 | (i) श्रेणी में चार वर्ष की नियमित सेवा सहित सहायक कार्यपालक इंजीनियर (सिविल) से 33% प्रतिशत। (ii) श्रेणी में आठ वर्ष की नियमित सेवा सहित सहायक इंजीनियर (सिविल) से 33% प्रतिशत और सिविल इंजीनियरी डिग्री या कोई अन्य समतुल्य अर्हता।  |

| (1)                                  | (2)   | (3)   | (4)   | (1)  | (2)  | (3)  | (4)  |
|--------------------------------------|---|---|---|--|--|--|--|
|                                      |   |   |   | (iii) श्रेणी में दस वर्ष की नियमित सेवा सहित सहायक इंजीनियर (सिविल) से 33%, प्रतिशत और मान्यताप्राप्त विश्वविद्यालय या संस्था से वैद्युत या यांत्रिक इंजीनियरी में डिप्लोमा या समतुल्य अर्हता रखने वाला। | 2. संकर्म महानिदेशक—सदस्य 3. सचिव/विशेष सचिव/अपर सचिव, शहरी कार्य और रोजगार मंत्रालय—सदस्य   |  |  |
| 5. सहायक कार्यपालक इंजीनियरी (सिविल) | आयोग द्वारा संचालित इंजीनियरी परीक्षा के माध्यम से सीधी भर्ती द्वारा। | 2. अधीक्षण इंजीनियर (सिविल) (अकृत्यिक चयन श्रेणी) | 1. संकर्म महानिदेशक—अध्यक्ष लागू नहीं होता। 2. अपर सचिव/संयुक्त सचिव, शहरी कार्य और रोजगार मंत्रालय—सदस्य | 3. अधीक्षण इंजीनियर (सिविल) (कनिष्ठ प्रशासनिक श्रेणी)  | 1. अध्यक्ष/सदस्य संघ लोक सेवा अयोग—अध्यक्ष 2. संकर्म महानिदेशक/संकर्म अपर महानिदेशक—सदस्य 3. अपर सचिव/संयुक्त सचिव शहरी कार्य और रोजगार मंत्रालय—सदस्य | 1. अध्यक्ष/सदस्य संघ लोक सेवा अयोग—अध्यक्ष 2. संकर्म महानिदेशक/संकर्म अपर महानिदेशक—सदस्य 3. अपर सचिव/संयुक्त सचिव शहरी कार्य और रोजगार मंत्रालय—सदस्य | 1. अध्यक्ष/सदस्य संघ लोक सेवा अयोग—अध्यक्ष 2. संकर्म महानिदेशक/संकर्म अपर महानिदेशक—सदस्य 3. अपर सचिव/संयुक्त सचिव शहरी कार्य और रोजगार मंत्रालय—सदस्य |

## अनुसूची-3

[नियम 7(1) देखिए]

संघ लोक सेवा आयोग द्वारा संचालित की गई प्रतियोगिता परीक्षा के आधार पर केन्द्रीय इंजीनियरी सेवा (सिविल) समूह "क" के पदों पर सीधी भर्ती के लिए न्यूनतम शैक्षिक अर्हता और आयु सीमा।

(क) अभ्यर्थी के पास

(1) निम्नलिखित से सिविल इंजीनियरी में डिग्री :

- केन्द्रीय या राज्य विधान मण्डल के अधिनियम द्वारा भारत में नियमित कोई विश्वविद्यालय, या
- संसद के अधिनियम, द्वारा स्थापित शैक्षिक संस्था या विश्वविद्यालय अनुदान आयोग अधिनियम, 1956 की धारा 3 के अधीन सम विश्वविद्यालय के रूप में घोषित, या

(2) ऐसी अन्य समतुल्य अर्हता जिसे उक्त परीक्षा में प्रवेश के प्रयोजन के लिए सरकार द्वारा मान्यता दी गई है या दी जा सकती, या

(3) ऐसे विदेशी विश्वविद्यालय/महाविद्यालय/संस्था से इंजीनियरी में डिग्री/डिप्लोमा और ऐसी शर्तों के अधीन जैसी इस प्रयोजन के लिए सरकार द्वारा समय-समय पर मान्यताप्राप्त हो सके।

टिप्पण :

(1) असाधारण मामलों में, आयोग उपर्युक्त में से कोई अर्हता न रखने वाले अभ्यर्थी को शैक्षिक रूप से अर्हित मान सकता है परन्तु आयोग का यह समाधान हो कि उसने अन्य संस्थाओं द्वारा संचालित परीक्षा उत्तीर्ण कर ली है जिनका स्तर आयोग की राय में परीक्षा में उसके प्रवेश को न्यायोचित ठहराता है।

(2) ऐसा अभ्यर्थी जो विदेशी विश्वविद्यालय से जो कि सरकार द्वारा मान्यताप्राप्त नहीं है डिग्री प्राप्त करके।

(ख) जिस वर्ष परीक्षा संचालित की जा रही है उस वर्ष 1 अगस्त को अभ्यर्थी ने 20 वर्ष की आयु पूरी कर ली है लेकिन 28 वर्ष की आयु पूरी न की हो।

## अनुसूची-4

[नियम 7(4) देखिए]

केन्द्रीय इंजीनियरी (सिविल) समूह "क" सेवा में प्रोन्ति और पुष्टि के मामलों पर विचार करने के लिए समूह "क" विभागीय प्रोन्ति समिति की संरचना

|                        |  |
|------------------------|--|
| क्र. दस्तूरी पद का नाम | समूह "क" विभागीय प्रोन्ति समूह "क" विभागीय   |
| सं. और श्रेणी          | समिति (प्रोन्ति पर विचार प्रोन्ति समिति करने के लिए) (प्रोन्ति पर विचार करने के लिए) |

| (1)                       | (2)  | (3)            | (4) |
|---------------------------|--|----------------|-----|
| 1. मुख्य इंजीनियर (सिविल) | 1. अध्यक्ष/सदस्य संघ लोक सेवा आयोग—अध्यक्ष | लागू नहीं होता |     |

टिप्पण :

(1) संघ लोक सेवा अयोग के अध्यक्ष या सदस्य से भिन्न किसी सदस्य की अनुपस्थिति, विभागीय प्रोन्ति समिति की कार्यवाहियों को अधिमान्य नहीं करेगी, यदि समिति के अधिक से अधिक सदस्य इसकी बैठक में हजिर हुए थे।

(2) पुष्टि से संबंधित विभागीय प्रोन्ति समिति की कार्यवाहियों अनुमोदन के लिए आयोग को भेजी जाएंगी। यदि फिर भी, ये आयोग द्वारा अनुमोदन नहीं की जाती है तो विभागीय प्रोन्ति समिति की एक नए सिरे से बैठक, जिसकी संघ लोक सेवा अयोग के अध्यक्ष या सदस्य द्वारा अध्यक्षता की जानी है, होगी।

[फा. सं. 8/5/95-ईसी-1/ईडब्ल्यू-1]

बि. एस. मिन्हास, संयुक्त सचिव

MINISTRY OF URBAN AFFAIRS AND EMPLOYMENT  
(Department of Urban Development)

NOTIFICATION

New Delhi, the 28th October, 1996

**G. S. R. 500(E).**—In exercise of the powers conferred by the proviso to article 309 of the Constitution and in supersession of the Central Engineering Services Group 'A' Recruitment Rules, 1954 (No. SRO-1841, dated the 21st May, 1954), and the Central Engineering Services Class-I Recruitment Rules, 1961 (No. GSR-233, dated the 10th February, 1961), except as respects things done or omitted to be done before such supersession, the President hereby makes the following rules, namely :—

**1. Short title and commencement :**—(1) These rules may be called the Ministry of Urban Affairs and Employment (Department of Urban Development) Central Engineering (Civil) Group 'A' Service Rules, 1996.

(2) They shall come into force on the date of their publication in the Official Gazette.

**2. Definitions :**—In these rules, unless the context otherwise requires :—

- (a) "appointed day" means the date on which these rules comes into force;
- (b) "commission" means the Union Public Service Commission;
- (c) "controlling authority" means the Government of India in the Ministry of Urban Affairs and Employment;
- (d) "departmental promotion committee" means a Committee constituted to consider promotion or confirmation in any Grade;
- (e) "duty post" means a post included in Schedule-I;
- (f) "Government" means the Government of India;
- (g) "grade" means a grade of the service;
- (h) "regular service" in relation to any grade means the period or periods of service in that grade rendered after selection and appointed thereto under the rules according to the prescribed procedure for regular appointment to that grade and includes any period or periods :—
  - (1) taken into account for the purpose of seniority in case of those appointed under rule 6
  - (2) during which an officer would have held a duty post in that grade but for being on leave or otherwise not being available for holding such post;
- (i) "Schedule" means a Schedule appended to these rules;
- (j) "Scheduled Castes and Scheduled Tribes" have the same meaning as assigned to them in clauses (24) and (25) respectively of article 366 of the Constitution of India, and "OBC" means Other Backward Classes having the same meaning and applicability as laid down in Department of Personnel and Training O.M. No. 36012/22/93-Estt. (SCT), dated the, 8th September, 1993; and
- (k) "service" means the Central Engineering (Civil) Group "A" Service constituted under rule 3.

**3. Constitution of the Service.**—All the duty posts included in the Service as specified in Schedule-I shall constitute the Central Engineering (Civil) Group 'A' Service.

**4. Grade, strength and its review.**—(1) The duty posts included in the various grades of the service, their numbers and scales of pay, on the date of commencement of these rules, shall be as specified in Schedule-I.

(2) Notwithstanding anything contained in sub-rule (1), the Government may,

- (a) from time to time, by order make temporary additions or alterations to the strength of the duty posts in various grades, for such period as may be specified therein;

(b) in consultation with the Commission, include in the Service such posts as can be deemed to be equivalent in status, grade or pay scale to the posts included in Schedule-I or exclude from the Service a duty post included in the said Schedule;

(c) in consultation with the Commission, appoint an officer to a duty post included in the Service under clause (b) to the appropriate grade in a temporary capacity or in a substantive capacity, and fix his seniority in the grade after taking into account continuous regular service in the analogous grade.

**5. Members of the Service.**—(1) The following shall be the members of the Service :—

- (a) persons appointed to duty posts under rule 6; and
- (b) persons appointed to duty posts under rule 7.

(2) A person appointed under clause (a) of sub-rule (1) shall, on such appointment, be deemed to be a member of the Service in the appropriate grade applicable to him under Schedule-I.

(3) A person appointed under clause (b) of sub-rule (1) shall be a member of the Service in the appropriate grade applicable to him under Schedule-I from the date of such appointment.

**6. Initial constitution of the service.**—(1) All existing officers holding Group 'A' duty posts on regular basis in the Central Engineering Service, Group 'A' on the date of commencement of these rules shall be the members of the Service in the respective grades.

(2) The regular continuous service of Officers referred to in sub-rule (1) before the commencement of these rules shall count for the purpose of probation, seniority, qualifying service for promotion, confirmation and pension in the service.

(3) To the extent the controlling authority is not able to fill up the posts in authorised regular strength of various grades in the service in accordance with the provisions of this rule, the same shall be filled in accordance with the provisions of rules 7 and 8.

**7. Future maintenance of the service.**—The vacant duty posts in any of the grades referred to in Schedule-I, after the initial constitution under rule 6, shall be filled in the following manner, namely :

- (i) all the vacancies in the grade of Assistant Executive Engineer shall be filled by direct recruitment on the basis of the results of the Combined Engineering Services Examination conducted by the Commission on the basis of educational qualifications and age limits specified in Schedule-III;
- (ii) all the vacancies in the grades of Executive Engineer and above shall be filled by promotion from amongst the officers in the next lower grade with minimum qualifying service as specified in Schedule-II.
- (iii) (a) The selection of officer for promotion shall be made by the departmental promotion committee as specified in Schedule-IV, by selection on merit except in the case of promotion of the Assistant Executive Engineer to the post of the Executive Engineer and of the Superintending Engineer (Junior Administrative Grade) for appointment to the post of the (Superintending Engineer selection grade);
- (b) selection of the Assistant Executive Engineer for promotion to the post of the Executive Engineer shall be in the order of their seniority subject to rejection of the unfit;
- (c) placement of the Superintending Engineer (Junior Administrative Grade) in the post of Superintending Engineer (selection grade) shall be made in the order of seniority based on their suitability taking into account their overall performance, experience and other related matters as per Guidelines issued by the Government from time to time;
- (iv) if any officer appointed to any post in the service is considered for the purpose of promotion to the higher post, all persons senior to him in the grade shall also be considered notwithstanding that they do not fulfil the prescribed eligibility service, if

- the shortfall is not more than one year and they have successfully completed their probation period, if prescribed.
- (v) the post of Chief Engineer and Superintending Engineer borne on the Common Cadre of Central Engineering Service (Civil) Group 'A' and Central Engineering Service (Electrical and Mechanical) Group 'A' shall be filled by appointment of Officers empanelled by the respective departmental promotion committee for the posts of Chief Engineer and Superintending Engineer.

**8. Filling of duty posts by deputation.**—Notwithstanding anything contained in rule 7, where the Government is of the opinion that it is necessary or expedient so to do, it may for reasons to be recorded in writing and in consultation with Commission, fill-up a duty post in any grade by transfer on deputation for a period not exceeding three years, which may in special circumstances be extended upto five years, as the Government may think fit. The qualifications, experience and the qualifying service for appointment to any grade of the Service under this rule shall be decided by the Government in consultation with the Commission on each occasion.

**9. Seniority.**—(1) The relative seniority of members of the service appointed to a duty post under rule 6, shall be as obtaining on the date of commencement of these rules :

Provided that if the seniority of any such member had not been specifically determined on the said date, the same shall be determined on the basis of the rules governing fixation of seniority as applicable to the members of the service prior to the commencement of these rules.

(2) The seniority of persons recruited to the Service, other than those appointed under rule 6, shall be determined in accordance with the general instructions issued by the government in this behalf from time to time.

(3) In the cases not covered under sub-rule (1) and sub-rule (2) above, the seniority shall be determined by the Government in consultation with the Commission.

**10. Probation.**—(1) Every Officer on appointment to the Service either by direct recruitment or by promotion shall be on probation for a period of two years :

Provided that the controlling authority may extend the period of probation in accordance with the instructions issued by the Government in this behalf from time to time :

Provided further that any decision for extension of a probation period shall be taken within eight weeks after the expiry of initial period of probation and communicated in writing to the concerned Officer together with reasons for so doing within the said period.

(2) On completion of the period of probation or any extension thereof, officer shall, if considered fit for permanent appointment, be considered for confirmation in terms of the orders of the Government issued from time to time.

(3) If, during the period of probation or any extension thereof, as the case may be, Government is of the opinion that an officer is not fit for permanent appointment, Government may discharge the officer or revert him to the post held by him prior to his appointment in the Service, as the case may be.

(4) During the period of probation or any extension thereof, an officer may be required by Government to undergo such courses of training or to pass such examinations or tests (including examination in Hindi) as the Government may deem fit, as condition for satisfactory completion of probation.

(5) As regards other matters relating to probation, the members of the Service shall be governed by the orders or instructions issued by the Government in this behalf from time to time.

**11. Appointment to the service.**—All appointments to the Service shall be made by the controlling authority for all the duty posts in various grades of the Service.

**12. Posting.**—Officers appointed to the Service shall be liable to serve anywhere in India or abroad.

**13. Liability to serve defence services or posts connected with defence.**—Any Officer appointed to the Service, if so required, shall be liable to serve in any defence service or post connected with the defence of India, for a period of not less than four years including the period spent on training, if any :

Provided that such Officers.—

- (i) shall not be required to serve as aforesaid after the expiry of ten years from the date of appointment to the Service or from the date of his joining the Service;
- (ii) shall not ordinarily be required to serve as aforesaid if he has attained the age of forty years.

**14. Disqualification.**—No person—

- (a) who has entered into or contracted a marriage with a person having a spouse living, or
- (b) who having a spouse living, has entered into or contracted a marriage with any person,

shall be eligible for appointment to the service :

Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

**15. Other conditions of the service.**—The conditions of service of members of the service in respect of matters for which no specific provision has been made in these rules, shall be the same as are applicable, from time to time, to officers of equivalent rank of the Central Government.

**16. Power to relax.**—Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing, and in consultation with the Commission, relax any of the provisions of these rules with respect to any class or category of persons.

**17. Saving.**—Nothing in these rules shall affect reservations, relaxation in age limit and other concessions required to be provided for the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, Ex-Servicemen and other special categories of persons in accordance with the orders issued by the Government from time to time in this regard.

**SCHEDULE—I**  
(See rule 3)

Posts indicated in column (3) also include posts sanctioned in some departments such as Income Tax etc. and are encashed in the Central Engineering (Civil) Group 'A' Service

| Sl. No. | Name of the duty post and grade                                | No. of posts* | Scale of pay             |
|---------|--|---------------|--------------------------|
| (1)     | (2)  | (3)           | (4)                      |
| 1.      | Chief Engineer (Civil)   | 40            | 5900-200-6700            |
| 2.      | Superintending Engineer (Civil) Non-functional-Selection Grade | **            | 4500-150-5700            |
| 3.      | Superintending Engineer (Civil) (Junior Administrative Grade)  | 130@          | 3700-125-4700-150-5000   |
| 4.      | Executive Engineer (Civil)                                     | 494@          | 3000-100-3500-125-4500   |
| 5.      | Assistant Executive Engineer (Civil)                           | 60            | 2200-75-2800-EB-100-4000 |
| 6.      | Assistant Executive Engineer (Civil) (Leave Reserve)           | 20            | 2200-75-2800-EB-100-4000 |

\* In 1996, subject to variation dependent on workload.

\*\* Includes non-functional selection grade posts also in the pay scale of Rs. 4500-150-5700/-

\*\* The junior administrative grade (grade selection) is non-functional and the maximum number of posts in this grade shall be equal to fifteen per cent of the senior duty posts (i.e. all duty posts at the level of senior time scale and above in the Service) and the maximum number of posts in the selection grade (non-functional) shall be limited to the number of posts sanctioned in junior administrative grade.

**Note :** Three posts of Chief Engineer and six posts of Superintending Engineers are common cadre posts for the Central Engineering (Civil) Group 'A' Service and the Central Engineering Electrical and Mechanical Group 'A' Service.

**SCHEDULE—II**  
[See rule 7(ii)]

Method of recruitment, field of promotion and minimum qualifying service in the immediate lower grade for appointment of officers on promotion to duty posts included in the various grades of the Central Engineering (Civil) Group 'A' Service.

| Sl. No. of duty post<br>No. and grade   | Method of<br>recruitment   | Field of selection, minimum<br>qualifying service and edu-<br>cational qualification for pro-<br>motion  |     |
|---|--|--|-----|
| (1)   | (2)  | (3)  | (4) |
| 1. Chief Engineer<br>(Civil)  | By<br>promotion  | Superintending Engineer (Civil)<br>with eight years regular<br>service in the grade (including ser-<br>vice, if any rendered in the non-<br>functional selection grade) or seven-<br>teen years regular service in<br>group A posts of the service out<br>of which four years regular service<br>should be in the grade of Superin-<br>tending Engineer (Civil).   |     |
| 2. Superintending<br>Engineer<br>(Civil)<br>(Non-functional)<br>(Selection Grade) | By<br>appointment<br>on the basis<br>of seniority<br>and suitability<br>taking into<br>account the<br>overall per-<br>formance<br>and other<br>related<br>matters. | Superintending Engineer<br>(Civil) (Junior administrative<br>grade) who have entered<br>fourteenth year of Group A<br>service on the first of July of the<br>year calculated from the year fol-<br>lowing the year of examination on<br>the basis of which the Officer<br>was recruited or who have rendered<br>nine years Group A service calcu-<br>lated from the date of promotion<br>to the senior time scale in the case<br>of officers promoted from Assis-<br>tant Engineer.  |     |
| 3. Superintending<br>Engineer<br>(Civil)<br>(Junior<br>Administrative<br>Grade)   | By<br>promotion  | Executive Engineer (Civil)<br>with five years regular<br>service in the grade and<br>possessing degree in Engineering<br>from a recognised University<br>or equivalent.  |     |
| 4. Executive<br>Engineer<br>(Civil)   | By<br>promotion  | (i) 33 $\frac{1}{2}$ per cent from Assistant<br>Executive Engineer (Civil)<br>with four years regular ser-<br>vice in the grade.<br>(ii) 33 $\frac{1}{2}$ per cent from Assistant<br>Engineers (Civil) with eight years<br>regular service in the grade and<br>possessing degree in Civil<br>Engineering or any other equiva-<br>lent qualification.<br>(iii) 33 $\frac{1}{2}$ per cent from Assistant<br>Engineer (Civil) with ten years<br>regular service in the grade and<br>possessing Diploma in Civil<br>Engineering from a recognised<br>University or Institution or any<br>other equivalent qualification. |     |
| 5. Assistant<br>Executive<br>Engineer<br>(Civil)                                  | By<br>direct<br>recruitment<br>through   |  |     |

| (1) | (2) | (3)   | (4) |
|-----|-----|---|-----|
|     |     | Engineering<br>Services<br>Examination<br>conducted by<br>the Commission. |     |

**SCHEDULE—III**  
[See rule 7(i)]

Minimum educational qualification and age limit for direct recruit-  
ment to posts in Central Engineering Service (Civil) Group 'A' on the  
basis of competitive Examination to be conducted by the Union Public  
Service Commission.

(A) A candidate shall possess :—

- (i) a degree in Civil Engineering from:
  - (a) a University incorporated by an Act of the Central or State Legislature in India; or
  - (b) an educational Institution established by an Act of Parliament or declared to be deemed as University under section 3 of the University Grant Commission Act, 1956, or

(2) Such other equivalent qualification as have been or may be  
recognised by the Government for the purpose of admission to the said  
examination; or

(3) A degree/diploma in Engineering from such foreign University/  
College/Institution and under such conditions as may be recognised by the  
Government for the purpose from time to time.

**NOTES :**

(1) In exceptional cases, the Commission may treat a candidate, not  
possessing any of the above qualifications, as educationally qualified pro-  
vided that the Commission is satisfied that he has passed examinations  
conducted by other Institutions the standard of which in the opinion of the  
Commission, justified his admission to the examination.

(2) A candidate who is otherwise qualified by virtue of his having  
taken a Degree from a foreign University which is not recognised by Gov-  
ernment, may also apply to the Commission and may be admitted to the  
examination at the discretion of the Commission;

(B) A candidate shall have attained the age of 20 years but not have  
attained the age of 28 years on the 1st day of August of the year in which  
the examination is held.

**SCHEDULE—IV**  
[See rule 7(iii)]

Composition of Group 'A' departmental promotion committee for cohsid-  
ering cases of promotion and confirmation in the Central Engineering (Civil)  
Group 'A' Service

| Sl. No. of the duty<br>post & grade  | Group 'A' Departmental<br>Promotional Committee<br>(for considering promo-<br>tion) | Group 'A' Depart-<br>mental Promotional Committee<br>(for considering<br>confirmation) |     |
|--|---|--|-----|
| (1)  | (2)   | (3)  | (4) |
| 1. Chief Engineer<br>(Civil)   | 1. Chairman/Member Union<br>Public Service Com-<br>mission—Chairman                 | Not applicable   |     |
| 2. Director General of<br>Works—Member   |   |  |     |
| 3. Secretary/Special Secretary/<br>Additional Secretary,<br>Ministry of Urban Affairs<br>and Employment—Member |   |  |     |

| (1)   | (2)  | (3)             | (4) |
|---|--|-----------------|-----|
| 2. Superintending Engineer (Civil) (Non-functional) (Selection Grade) | 1. Director General of Works—Chairman<br>2. Additional Secretary/ Joint Secretary, Ministry of Urban Affairs and Employment—Member   | Not applicable  |     |
| 3. Superintending Engineer (Civil) (Junior Administrative Grade)      | 1. Chairman/Member Union Public Service Commission—Chairman<br>2. Director General of Works/Additional Director General of Works—Member<br>3. Additional Secretary/ Joint Secretary, Ministry of Urban Affairs and Employment—Member | Not applicable  |     |
| 4. Executive Engineer (Civil)   | 1. Chairman/Member Union Public Service Commission—Chairman<br>2. Director General of Works/Additional Director General of Works—Member<br>3. Joint Secretary Ministry of Urban Affairs and Employment—Member.                       | Not applicable  |     |
| 5. Assistant Executive Engineer (Civil)                               | 1. Director General of Works/ Additional Director General of Works—Chairman<br>2. Joint Secretary, Ministry of Urban Affairs and Employment—Member<br>3. Director/Deputy Secretary —Member.  | Not applicable. |     |

## अधिसूचना

नई दिल्ली, 28 अक्टूबर, 1996

सा.का.नि. 501(अ)।—राष्ट्रपति, संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और केन्द्रीय वैद्युत और यांत्रिक इंजीनियरी सेवा समूह “क” भर्ती नियम, 1954 (का.नि.आ. सं. 1843, तारीख 21 मई, 1954) केन्द्रीय वैद्युत इंजीनियरी सेवा समूह “क” भर्ती नियम, 1958 (सा.का.नि. सं. 36, तारीख 31 दिसम्बर, 1958), और कार्यपालक इंजीनियर केन्द्रीय इंजीनियरी और केन्द्रीय वैद्युत इंजीनियरी सेवा (समूह “क”) ज्येष्ठता का विनियमन नियम, 1976 (सा.का.नि. सं. 892, तारीख 8 जून, 1976) को अधिकान्त करते हुए सिवाय उन बातों के जिन्हें ऐसे अधिकान्त से पूर्व किया गया है या करने का सोप किया गया है, निम्नलिखित नियम बनाते हैं, अर्थात् :—

1. संक्षिप्त नाम और प्रारंभ—(1) इन नियमों का संक्षिप्त नाम शहरी कार्य और रोजगार मंत्रालय (शहरी विकास विभाग), केन्द्रीय इंजीनियरी (वैद्युत और यांत्रिक) समूह “क” सेवा नियम, 1996 है,

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. परिभाषाएं—इन नियमों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो :—

(क) “नियत दिन” से वह तारीख जिसको ये नियम प्रवृत्त होते हैं, अभिप्रेत है

(ख) “आयोग” से संघ लोक सेवा आयोग अभिप्रेत है,

(ग) “नियंत्रक प्राधिकारी” से भारत सरकार का शहरी कार्य और रोजगार मंत्रालय अभिप्रेत है,

(घ) “विभागीय प्रोनंति समिति” से ऐसी समिति अभिप्रेत है, जिसका गठन किसी भी श्रेणी में प्रोनंति या उसकी पुस्ति पर विचार करने के लिए किया गया है,

(ङ) “इयूटी पद” से अनुसूची-1 में सम्मिलित कोई पद अभिप्रेत है,

(च) “सरकार” से भारत सरकार अभिप्रेत है,

(छ) “श्रेणी” से सेवा की श्रेणी अभिप्रेत है,

(ज) “नियमित सेवा” से किसी श्रेणी के संबंध में उस श्रेणी में नियमित नियुक्ति के लिए विहित प्रक्रिया के अनुसार नियमों के अधीन उसके चयन और नियुक्ति के पश्चात् उस श्रेणी में की गई सेवा की अवधि या अवधियां अभिप्रेत हैं और जिसके अन्तर्गत निम्नलिखित अवधि या अवधियां भी हैं :—

(1) नियम 6 के अधीन नियुक्त किए गए व्यक्तियों के मामलों में उनकी ज्येष्ठता के प्रयोगन के लिए गणना में लिया गया,

(2) जिसके द्वारा आकिसर उस श्रेणी में इयूटी पद यदि वह छुट्टी पर होने के या अन्यथा किसी कारण से ऐसा पद धारण करने के लिए उपलब्ध रहा होता तो धारण करता।

(झ) “अनुसूची” से इन नियमों से संलग्न अनुसूची अभिप्रेत है,

(ञ) “अनुसूचित जातियां और अनुसूचित जनजातियां” के वही अर्थ होंगे जो भारत के संविधान के अनुच्छेद 366 के क्रमशः खंड (24) और खंड (25) में उनके लिए समनुदिष्ट हैं और “अ.पि.व.” से अन्य पिछळा वर्ग अभिप्रेत है और उसका वही अर्थ होगा तथा वह उसी प्रकार लागू होगा जैसा कि कार्यिक और प्रशिक्षण विभाग के कार्यालय ज्ञापन संख्या 36012/22/93-स्थापन (एस.सी.टी.) तारीख 8 सितम्बर, 1993 में अधिकारित है, और

(ट) “सेवा” से नियम 3 के अधीन गठित केन्द्रीय इंजीनियरी सेवा (वैद्युत और यांत्रिक) समूह “क” सेवा अभिप्रेत है।

3. सेवा का गठन.—अनुसूची-1 से यथाविनिर्दिष्ट सेवा में सम्मिलित सभी इयूटी पद केन्द्रीय इंजीनियरी (वैद्युत और यांत्रिक) समूह “क” सेवा का गठन करेंगे।

4. ग्रेड, संख्या और इसका पुनर्विलोकन.—(1) इन नियमों के प्रारंभ होने की तारीख को सेवा के विभिन्न ग्रेडों में सम्मिलित इयूटी पद, उनकी संख्या और वेतनमान वे होंगे जैसे कि अनुसूची-1 में विनिर्दिष्ट है।

के परन्तुक द्वारा  
नेपारी सेवा समूह  
(केन्द्रीय वैद्युत  
भू. 36, तारीख  
के केन्द्रीय वैद्युत  
(सा.का.नि. सं.  
के जिन्हें ऐसे  
सिलिंगित नियम  
म शहरी कार्य  
और यांत्रिक)

अपेक्षित न  
अभिप्रेत है

पैर रोजगार  
सेवा गठन  
लेए किया

नियुक्ति  
यन और  
अवधियां  
यां भी

उनकी

पर  
लिए

जो  
खंड  
वर्ग  
योगा  
व्या  
में

ने

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10

66

- (2) उपनियम (1) में किसी बात के होते हुए भी सरकार :—
- (क) समय-समय पर आदेश द्वारा विभिन्न श्रेणियों में इयूटी पदों की संख्या में ऐसी अवधि के लिए जैसी उसमें विनिर्दिष्ट की जाए अस्थायी परिवर्धन या परिवर्तन कर सकेगी।
- (ख) आयोग के परामर्श से, सेवा में ऐसे पदों को सम्प्रिलित कर सकेगी जिन्हें अनुसूची-1 में सम्प्रिलित पद उनकी हैसियत या वेतनमान के समतुल्य समझे जा सके या उक्त अनुसूची में सम्प्रिलित किसी इयूटी पद को सेवा से अपर्याप्ति कर सकेगी।
- (ग) आयोग के परामर्श से, खंड (ख) के अधीन सेवा में सम्प्रिलित इयूटी पद पर किसी अधिकारी की अस्थायी रूप से या अधिकारी रूप से नियुक्त कर सकेगी और सदृश श्रेणी में निरन्तर नियमित सेवा को ध्यान में रखते हुए उसकी ज्येष्ठता नियत कर सकेगी।

5. सेवा के सदस्य—(1) निम्नलिखित व्यक्तिसेवा के सदस्य होंगे :—

- (क) नियम 6 के अधीन इयूटी पद पर नियुक्त व्यक्ति, और
- (ख) नियम 7 के अधीन इयूटी पद पर नियुक्त व्यक्ति ।
- (2) उपनियम (1) के खंड (क) के अधीन नियुक्त व्यक्ति, ऐसी नियुक्ति पर अनुसूची-1 के अधीन उसे लागू समुचित श्रेणी में सेवा का सदस्य माना जाएगा।
- (3) उपनियम (1) के खंड (ख) के अधीन नियुक्त व्यक्ति ऐसी नियुक्ति की तारीख से अनुसूची-1 के अधीन उसे लागू समुचित श्रेणी में सेवा का सदस्य होगा।

6. सेवा का आरंभिक गठन—(1) इन नियमों की प्रारंभ की तारीख को केन्द्रीय वैद्युत और यांत्रिक इंजीनियरी सेवा, समूह "क" में नियमित आधार पर समूह "क" इयूटी पद धारण कर रहे सभी विद्यमान अधिकारी अपनी-अपनी श्रेणियों में सेवा के सदस्य होंगे।

(2) इन नियमों के आरंभ से पूर्व उप नियम (1) में निर्दिष्ट अधिकारियों की नियमित निरन्तर सेवा को सेवा में उनकी प्रोन्ति पुष्टि और पेंशन के लिए परिवीक्षा ज्येष्ठता और अहक सेवा के प्रयोजन के लिए गणना में लिया जाएगा।

(3) वह सीमा जिस तक नियंत्रण प्राधिकारी इस नियम के उपबंधों के अनुसार सेवा की विभिन्न श्रेणियों की प्राधिकृत नियमित संख्या में पदों को भरने के लिए समर्थ नहीं है तो उन्हें नियम 7 और नियम 8 के उपबंधों के अनुसार भरा जाएगा।

7. सेवा की भावी अनुरक्षण—नियम 6 के अधीन आरंभिक गठन के पश्चात अनुसूची-1 में निर्दिष्ट किसी भी श्रेणी में रिक्त इयूटी पद निम्नलिखित रीत से भरे जाएंगे, अर्थात् :—

- (i) सहायक कार्यपालक इंजीनियर की श्रेणी में सभी रिक्तियां अनुसूची-3 में विनिर्दिष्ट शैक्षणिक अहता और आयु सीमा के आधार पर आयोग द्वारा संचालित सम्प्रिलित इंजीनियरी सेवा परीक्षा के परिणाम के आधार पर सीधी भर्ती द्वारा, या परीक्षा की किसी स्कीम के अधीन जो समय-समय पर आयोग के परामर्श से सरकार द्वारा अधिसूचित की जाए, भरी जाएंगी,
- (ii) सेवा के कार्यपालक इंजीनियर और उससे ऊपर की श्रेणियों में सभी रिक्तियां अनुसूची-2 में विनिर्दिष्ट न्यूनतम अहक सेवा सहित अगली निचली श्रेणी के अधिकारियों में प्रोन्ति द्वारा भरी जाएंगी।
- (iii) (क) सहायक कार्यपालक इंजीनियर से कार्यपालक इंजीनियर के पद और अधीक्षण इंजीनियर (कनिष्ठ प्रशासनिक श्रेणी) की अधीक्षण इंजीनियर (चयन श्रेणी) के लिए प्रोन्ति के मामलों के सिवाय प्रोन्ति के लिए अधिकारियों का चयन अनुसूची-4 में यथाविनिर्दिष्ट विभागीय प्रोन्ति समिति द्वारा योग्यता के आधार पर किया जाएगा,
- (ख) कार्यपालक इंजीनियर के पद पर पदोन्ति के लिए सहायक कार्यपालक इंजीनियर का चयन उनकी ज्येष्ठता के क्रम में उपयुक्तता के अधीन रहते हुए किया जाएगा,
- (ग) अधीक्षण इंजीनियर (कनिष्ठ प्रशासनिक श्रेणी) की अधीक्षण इंजीनियर (चयन श्रेणी) के पद पर नियोजन उनकी उपयुक्तता के आधार पर ज्येष्ठता के क्रम में, सरकार द्वारा समय-समय पर जारी किए गए मार्गदर्शक सिद्धान्तों के अनुसार उनके सम्पूर्ण कार्य अनुभव और अन्य संबंधित बातों

को ध्यान में रखते हुए किया जाएगा,

- (iv) यदि किसी पद पर नियुक्त व्यक्ति का उच्च पद पर पदोन्ति के प्रयोजन के लिए विचार किया जाता है, उस श्रेणी में ज्येष्ठ सभी व्यक्तियों की बाबत भी इस बात के होते हुए भी कि वे विहित पात्रता सेवा पूरी नहीं करते हैं, विचार किया जाएगा, यदि कभी एक वर्ष से अधिक नहीं है और वे अपनी परिवीक्षा की अवधि यदि विहित हो गई है, सफलतापूर्वक पूरी कर ली है।
- (v) केन्द्रीय इंजीनियरी सेवा (सिविल) समूह "क" और केन्द्रीय इंजीनियरी सेवा (वैद्युत और यांत्रिक) समूह "क" के सामान्य काडर के पद, मुख्य इंजीनियर और अधीक्षण इंजीनियर के पदों के लिए अपनी-अपनी विभागीय पदोन्ति समिति द्वारा ऐनरित अधिकारियों की नियुक्ति द्वारा भरे जाएंगे।

8. इयूटी पदों को प्रतिनियुक्ति द्वारा भरना—नियम 7 में किसी बात के होते हुए भी, जहां सरकार की यह राय है कि ऐसा करना आवश्यक या समीक्षीन है वहां ऐसे कारणों को लेखनबद्ध करते हुए, आयोग के परामर्श से किसी भी श्रेणी में ऐसी अवधि के लिए जो तीन वर्ष से अधिक न हो। जिसका विशेष परिस्थितियों में पांच वर्ष की अवधि तक विस्तार किया जा सकता है जैसा सरकार उचित समझे, प्रतिनियुक्ति पर स्थानांतरण द्वारा इयूटी पद भरा जाएगा। इस नियम के अधीन सेवा की किसी श्रेणी में नियुक्ति के लिए अर्हता, अनुभव और अर्हक सेवा का प्रत्येक अवसर पर आयोग के परामर्श से सरकार द्वारा विनियन्त्रण किया जाएगा।

9. ज्येष्ठता (1) नियम 6 के अधीन इयूटी पद पर नियुक्त सेवा के सदस्यों की अपेक्षित ज्येष्ठता, इन नियमों के प्रारंभ की तारीख को यथा विद्यमान रूप में होगी :

परन्तु यदि उक्त तारीख को किसी ऐसे सदस्य की ज्येष्ठता विनिर्दिष्टत्या अवधारित नहीं की गई थी, यह इन नियमों के प्रारंभ होने से पूर्व सेवा के सदस्यों को यथा लागू ज्येष्ठता नियतन को विनियमित करने वाले नियमों के आधार पर अवधारित की जाएगी।

(2) नियम 6 के अधीन नियुक्त व्यक्तियों से भिन्न सेवा में भर्ती व्यक्तियों की ज्येष्ठता समय-समय पर इस नियमित सरकार द्वारा जारी सामान्य अनुदेशों के अनुसार अवधारित की जाएगी।

(3) ऊपर उपनियम (1) और उपनियम (2) के अधीन न आने वाले मामलों में ज्येष्ठता सरकार द्वारा आयोग के परामर्श से अवधारित की जाएगी।

10. परिवीक्षा—(1) प्रत्येक अधिकारी, या तो सीधी भर्ती या पदोन्ति द्वारा सेवा में नियुक्ति पर दो वर्ष की अवधि के लिए परिवीक्षा पर रहेगा :

परन्तु नियंत्रक प्राधिकारी समय-समय पर इस नियमित जारी अनुदेशों के अनुसार परिवीक्षा अवधि अवधि का विस्तार कर सकता है :

परन्तु यह और कि परिवीक्षा की अवधि के विस्तार के लिए कोई विनियन्त्रण परिवीक्षा की आरंभिक अवधि की समाप्ति के पश्चात आठ सप्ताह के भीतर लिया जाएगा और उक्त अवधि के भीतर ऐसा करने के कारणों के साथ संबंधित अधिकारी को लिखित में संसूचित किया जाएगा।

(2) परिवीक्षा की अवधि पर या उसकी किसी विस्तारित अवधि के पूरा होने पर अधिकारी यदि स्थायी नियुक्ति के योग्य माना याहा है तो समय-समय पर जारी सरकार के आदेशों के निवधनों के अनुसार उसकी पुष्टि के लिए विचार किया जाएगा।

(3) यदि, यथास्थिति, परिवीक्षा की अवधि या उसकी किसी विस्तारित अवधि के दौरान सरकार की यह राय है कि कोई अधिकारी स्थायी नियुक्ति के योग्य नहीं है तो सरकार अधिकारी को यथास्थिति सेवा मुक्त कर सकती या उसे उसकी नियुक्ति से पूर्व उसके द्वारा धारित पद पर प्रत्यावर्ति कर सकती।

(4) सरकार, परिवीक्षा की अवधि या उसकी किसी विस्तारित अवधि के दौरान, किसी अधिकारी से प्रशिक्षण के ऐसे पाठ्यक्रम के करने या ऐसी परीक्षा अथवा परीक्षण (जिसके अन्तर्गत हिन्दी परीक्षा भी सम्प्रिलित है) उत्तीर्ण करने की अपेक्षा कर सकती जैसी सरकार परिवीक्षा को संतोषप्रद पूरा करने के लिए शर्त के रूप में आवश्यक समझे।

(5) परिवीक्षा से संबंधित अन्य मामलों के विषय में, सेवा के सदस्य समय-समय पर इस नियमित सरकार द्वारा जारी किए गए आदेशों और अनुदेशों द्वारा शासित होंगे।

11. सेवा में नियुक्ति—सेवा में की सभी नियुक्तियां, सेवा की विभिन्न श्रेणियों में इयूटी पदों के लिए नियंत्रक प्राधिकारी द्वारा की जाएंगी।

12. तैनाती—सेवा में नियुक्त अधिकारी भारत या विदेश में कहीं भी सेवा करने का दायी होगा।

13. रक्षा सेवाएं या रक्षा से संबंधित पदों पर सेवा करने का दायित्व सेवा में नियुक्त कोई अधिकारी, यदि ऐसा अपेक्षित हो, चार वर्ष से अन्यून अवधि के लिए जिसके अन्तर्गत प्रशिक्षण पर बिताई गई अवधि भी है, यदि कोई है, किसी रक्षा सेवा या भारत की रक्षा से संबंधित पद पर सेवा करने का दायी होगा।

परन्तु ऐसे अधिकारी से—

(i) सेवा में नियुक्ति की तारीख से दस वर्ष की समाप्ति के पश्चात् या सेवा में उसके सम्प्रिलित होने की तारीख से यथापूर्वोक्त सेवा करने की अपेक्षा नहीं की जाएगी।

(ii) यथापूर्वोक्त सेवा करने के लिए साधारणतया अपेक्षा नहीं की जाएगी यदि उसने चालीस वर्ष की आयु पूरी कर ली है।

14. निरहता—वह व्यक्ति—

(क) जिसने ऐसे व्यक्ति से जिसका पति या पत्नी जीवित है, विवाह किया है, या,

(ख) जिसने अपने पति या अपनी पत्नी के जीवित होते हुए किसी व्यक्ति से विवाह किया है,

उक्त पद पर नियुक्ति का पात्र नहीं होगा:

परन्तु यदि केन्द्रीय सरकार का यह समाधान हो जाता है कि ऐसा विवाह ऐसे व्यक्ति और विवाह के अन्य पक्षकार को हांगू स्वीय विधि के अधीन अनुरोध है और ऐसा करने के लिए अन्य आधार है तो वह किसी व्यक्ति को इस नियम के प्रवर्तन से छूट दे सकती।

15. सेवा की अन्य शर्तें—ऐसे विषयों की बाबत सेवा के सदर्शकों की ऐसी शर्तें, जिनके इन नियमों में कोई विनिर्दिष्ट उपबंध नहीं किया गया है वही होगा जैसा समय-समय पर केन्द्रीय सरकार के समतुल्य रूप के अधिकारियों को लागू होगी।

16. शिथिल करने की शक्ति—जहां केन्द्रीय सरकार की यह राय है कि ऐसा करना आवश्यक या समीचीन है, वही वह उसके लिए जो कारण है उन्हें लेखबद्ध करके तथा संघ लोक सेवा आयोग से परामर्श करके, इन नियमों के किसी उपबंध को किसी वर्ष या प्रवर्ष के व्यक्तियों की बाबत, आदेश द्वारा शिथिल कर सकती।

17. व्यावृत्ति—इन नियमों वाली कोई बात, ऐसे आरक्षण आयु सीमा में छूट और अन्य विषयों पर प्रभाव नहीं डालेगी, जिनका केन्द्रीय सरकार द्वारा इस सम्बन्ध में समय-समय पर निकाले गए आदेशों के अनुसार अनुसूचित जातियों, अनुसूचित जन-जातियों, भूतपूर्व सैनिकों और अन्य विशेष प्रवर्गों के व्यक्तियों के लिए उपबंध करना अपेक्षित है।

### अनुसूची-1

(नियम 3 देखिए)

संभ (3) में दर्शित किए गए पदों में कुछ विभागों में जैसे आय-कर आदि और केन्द्रीय इंजीनियर (वैद्युत और यांत्रिक) समूह "क" काडर में सम्प्रिलित है, स्वीकृत पद भी सम्प्रिलित है।

| क्र.सं. | इयूटी पद और श्रेणी का नाम  | पदों की सं.* | वेतनमान                     |
|---------|--|--------------|-----------------------------|
| 1.      | मुख्य इंजीनियर (वैद्युत और यांत्रिक)                             | 06           | 5900-200-6700               |
| 2.      | अधिक्षण इंजीनियर (वैद्युत और यांत्रिक) अकृत्यिक चयन श्रेणी       | **           | 4500-150-5700               |
| 3.      | अधिक्षण इंजीनियर (वैद्युत और यांत्रिक) (कनिष्ठ प्रशासनिक श्रेणी) | 36@          | 3700-125-4700-150-5000      |
| 4.      | कार्यपालक इंजीनियर (वैद्युत और यांत्रिक)                         | 156          | 3000-100-3500-125-4500      |
| 5.      | सहायक कार्यपालक इंजीनियर (वैद्युत और यांत्रिक)                   | 15           | 2200-75-2800-द.रो.-100-4000 |

|  |    |                             |
|--|----|-----------------------------|
| 6. सहायक कार्यपालक इंजीनियर (वैद्युत और यांत्रिक) (छुट्टी आरक्षित) | 05 | 2200-75-2800-द.रो.-100-4000 |
|--|----|-----------------------------|

\*1996 में, कार्यभार के आधार पर परिवर्तन किया जा सकता है।  
@ 4500-150-5700 रु. के वेतनमान में अकृत्यिक चयन श्रेणी पद भी सम्प्रिलित है।

\*\* कनिष्ठ प्रशासनिक श्रेणी (श्रेणी चयन) अकृत्यिक है और इस श्रेणी में पदों की अधिकतम संख्या ज्येष्ठ पदों के पन्द्रह प्रतिशत के बराबर होगी [अर्थात् ज्येष्ठ वेतनमान और सेवा में ऊपर के स्तर पर सभी इयूटी पद और चयन श्रेणी (अकृत्यिक) में पदों की अधिकतम संख्या कनिष्ठ प्रशासनिक श्रेणी में स्वीकृत पदों की संख्या तक सीमित होगी)]

टिप्पणि : मुख्य इंजीनियर के तीन पद और अधीक्षण इंजीनियर के छह पदों के द्वारा इंजीनियरी (सिविल) समूह "क" सेवा तथा केन्द्रीय इंजीनियरी वैद्युत और यांत्रिक समूह "क" सेवा के लिए सामान्य काडर पद है।

### अनुसूची-2

[नियम 7(ii) देखिए]

[केन्द्रीय इंजीनियरी (वैद्युत और यांत्रिक) समूह "क" सेवा की विभिन्न श्रेणियों में सम्प्रिलित इयूटी पदों की प्रोन्ति पर अधिकारियों की नियुक्ति के लिए ठीक नियम श्रेणी में भर्ती पद्धति, प्रोन्ति क्षेत्र और न्यूनतम अर्हक सेवा]

| क्र. सं. | इयूटी पद और श्रेणी का नाम  | भर्ती पद्धति                     | चयन क्षेत्र, प्रोन्ति के लिए न्यूनतम अर्हक सेवा और शैक्षक अर्हता  |
|----------|--|----------------------------------|---|
| (1)      | (2)  | (3)                              | (4)   |
| 1.       | मुख्य इंजीनियर (वैद्युत और यांत्रिक)                             | प्रोन्ति द्वारा                  | श्रेणी में आठ वर्ष की नियमित सेवा सहित अधीक्षक इंजीनियर (वैद्युत और यांत्रिक) जिसके अन्तर्गत सेवा भी है, यदि कोई अकृत्यिक चयन श्रेणी में कोई गई थी (या सेवा) समूह "क" पदों से सत्रह वर्ष की नियमित सेवा जिसमें से चार वर्ष की नियमित सेवा अधीक्षण इंजीनियर (वैद्युत और यांत्रिक) की श्रेणी में होनी चाहिए।  |
| 2.       | अधीक्षण इंजीनियर (वैद्युत और यांत्रिक) (अकृत्यिक) (चयन श्रेणी)   | संपूर्ण कार्य और अन्य (अकृत्यिक) | अधीक्षण इंजीनियर (वैद्युत और यांत्रिक) (कनिष्ठ प्रशासनिक श्रेणी) संबंधित मामलों जो परीक्षा जिसके आधार पर को ध्यान में अधिकारी को भर्ती किया गया था के रखते हुए ज्येष्ठता और और उप-युक्तता के आधार पर नियुक्ति द्वारा जुलाई की समूह "क" सेवा के चौदहवें वर्ष में प्रवेश कर चुके हैं या सहायक इंजीनियर से प्रोन्ति अधिकारी के मामलों में जो ज्येष्ठ वेतनमान में प्रोन्ति की तारीख से संगणित समूह "क" में नौ वर्ष सेवा कर चुका है। |
| 3.       | अधीक्षण इंजीनियर (वैद्युत और यांत्रिक) (कनिष्ठ प्रशासनिक श्रेणी) | प्रोन्ति द्वारा                  | श्रेणी में पांच वर्ष की नियमित सेवा सहित कार्यपालक इंजीनियर (वैद्युत/यांत्रिक) किसी मान्यता-प्राप्त विश्वविद्यालय की वैद्युत और यांत्रिक इंजीनियरी में डिग्री या समतुल्य।   |
| 4.       | कार्यपालक इंजीनियर (वैद्युत और यांत्रिक)                         | प्रोन्ति द्वारा                  | (i) श्रेणी में चार वर्ष की नियमित सेवा सहित सहायक कार्यपालक   |

| (1)                | (2)  | (3)   | (4) |
|--------------------|--|---|-----|
|                    |  | इंजीनियर (वैद्युत और यांत्रिक)<br>से 33% प्रतिशत।   |     |
|                    |  | (ii) श्रेणी में आठ वर्ष की नियमित सेवा सहित सहायक इंजीनियर (वैद्युत और यांत्रिक) से 33% प्रतिशत और वैद्युत या यांत्रिक इंजीनियरी डिग्री या कोई अन्य समतुल्य अर्हता।                                       |     |
|                    |  | (iii) श्रेणी में दस वर्ष की नियमित सेवा सहित सहायक इंजीनियर (वैद्युत) से 33% प्रतिशत और मान्यताप्राप्त विश्वविद्यालय या संस्था से वैद्युत या यांत्रिक इंजीनियरी में डिप्लोमा या समतुल्य अर्हता रखने वाला। |     |
| 5. सहायक कार्यपालक | आयोग द्वारा<br>इंजीनियरी<br>(वैद्युत और यांत्रिकी) | संचालित सम्पत्ति इंजीनियरी<br>परीक्षा के माध्यम<br>से सीधी भर्ती द्वारा।  |     |

## अनुसूची-3

## [नियम 7(1) देखिए]

संघ लोक सेवा आयोग द्वारा संचालित की गई प्रतियोगिता परीक्षा के आधार पर केन्द्रीय इंजीनियरी सेवा (वैद्युत और यांत्रिक) समूह "क" के पदों पर सीधी भर्ती के लिए न्यूनतम शैक्षिक अर्हता और आयु सीमा।

## (क) अध्यर्थी के पास :—

(1) नियमितिकृत से वैद्युत या यांत्रिकी इंजीनियरी में डिग्री :

- (i) केन्द्रीय या राज्य विधान मण्डल के अधिनियम द्वारा भारत में नियमित कोई विश्वविद्यालय, या
- (ii) संसद के अधिनियम, द्वारा स्थापित शैक्षिक संस्था या विश्वविद्यालय, अनुदान आयोग अधिनियम, 1956 की धारा 3 के अधीन सम विश्वविद्यालय के रूप में घोषित, या

(2) ऐसी अन्य समतुल्य अर्हता जिसे उत्तर परीक्षा में प्रवेश के प्रयोजन के लिए सरकार द्वारा मान्यता दी गई है या दी जा सकेगी, या

(3) ऐसे विदेशी विश्वविद्यालय/महाविद्यालय/संस्था से इंजीनियरी में डिग्री/डिप्लोमा और ऐसी शर्तों के अधीन जैसी इस प्रयोजन के लिए सरकार द्वारा समय-समय पर मान्यता प्राप्त हो सके।

## टिप्पण :

- (1) असाधारण मामलों में, आयोग उपर्युक्त में से कोई अर्हता न रखने वाले अध्यर्थी को शैक्षिक रूप से अर्हित मान सकता है परन्तु आयोग का यह समाधान हो कि उसने अन्य संस्थाओं द्वारा संचालित परीक्षा उत्तीर्ण कर ली है जिनका स्तर आयोग की राय में परीक्षा में उसके प्रवेश को न्यायोचित ठहराता है।
- (2) ऐसा अध्यर्थी जो विदेशी विश्वविद्यालय से जो कि सरकार द्वारा मान्यता प्राप्त नहीं है डिग्री प्राप्त करके।
- (ख) जिस वर्ष परीक्षा संचालित की जा रही है उस वर्ष 1 अगस्त को अध्यर्थी ने 20 वर्ष की आयु पूरी कर ली है तोकिन 28 वर्ष की आयु पूरी न की हो।

16

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18

X

## अनुसूची-4

## नियम 7(iv) देखिए

(केन्द्रीय इंजीनियरी (वैद्युत और यांत्रिक) समूह "क" सेवा में प्रोन्ति और पुष्टि के मामलों पर विचार करने के लिए समूह "क" विभागीय प्रोन्ति समिति की संचालन।)

| क्र. द्वयी पदों का नाम | समूह "क" विभागीय प्रोन्ति समूह "क" विभागीय समिति              |
|------------------------|---|
| सं. और श्रेणी          | प्रोन्ति पर विचार करने के लिए) प्रोन्ति पर विचार करने के लिए) |

| (1)                   | (2)   | (3)                                    | (4) |
|-----------------------|---|--|-----|
| 1. मुख्य इंजीनियर     | 1. अध्यक्ष/सदस्य संघ लोक<br>(वैद्युत और यांत्रिक)                             | लागू नहीं होता                         |     |
|                       | 2. संकर्म महानिदेशक—सदस्य   |  |     |
|                       | 3. सचिव/विशेष सचिव/अपर<br>सचिव, शहरी कार्य और<br>रोजगार मंत्रालय—सदस्य        |  |     |
| 2. अधीक्षण इंजीनियर   | 1. संकर्म मंहानिदेशक—अध्यक्ष<br>(वैद्युत और यांत्रिक)                         | लागू नहीं होता                         |     |
|                       | 2. अपर सचिव/संयुक्त सचिव,<br>(अकृत्यिक चयन श्रेणी)                            | शहरी कार्य और रोजगार<br>मंत्रालय—सदस्य |     |
| 3. अधीक्षण इंजीनियर   | 1. अध्यक्ष/सदस्य संघ लोक<br>(वैद्युत और यांत्रिक)                             | लागू नहीं होता                         |     |
|                       | 2. संकर्म महानिदेशक/संकर्म<br>प्रशासनिक श्रेणी                                | अपर महानिदेशक—सदस्य                    |     |
|                       | 3. अपर सचिव/संयुक्त सचिव<br>शहरी कार्य एवं रोजगार<br>मंत्रालय—सदस्य           |  |     |
| 4. कार्यपालक इंजीनियर | 1. संकर्म अध्यक्ष/सदस्य संघ<br>लोक सेवा आयोग—अध्यक्ष<br>(वैद्युत और यांत्रिक) | लागू नहीं होता                         |     |
|                       | 2. संकर्म महानिदेशक/संकर्म<br>अपर महानिदेशक—सदस्य                             |  |     |
|                       | 3. संयुक्त सचिव, शहरी कार्य<br>और रोजगार मंत्रालय—<br>सदस्य                   |  |     |
| 5. सहायक कार्यपालक    | 1. संकर्म महानिदेशक संकर्म<br>इंजीनियर<br>(वैद्युत और यांत्रिक)               | लागू नहीं होता                         |     |
|                       | 2. संयुक्त सचिव, शहरी कार्य<br>और रोजगार मंत्रालय—<br>सदस्य                   |  |     |
|                       | 3. निदेशक/अपर सचिव,<br>शहरी कार्य और रोजगार<br>मंत्रालय—सदस्य                 |  |     |

## टिप्पण :

- (1) संघ लोक सेवा आयोग के अध्यक्ष या सदस्य से भिन्न किसी सदस्य की अनुपस्थिति, विभागीय प्रोन्ति समिति की कार्यवाहियों को अधिमात्र नहीं करेगी, यदि समिति के अधिक से अधिक सदस्य इसकी बैठक में हाजिर हुए थे।

- (2) युद्ध से संबंधित विभागीय प्रोन्ति समिति की कार्यवाहियां अनुमोदन के लिए आयोग को भेजी जाएंगी। यदि फिर भी, ये आयोग द्वारा अनुमोदन नहीं की जाती हैं तो विभागीय प्रोन्ति समिति की एक नए सिरे से बैठक, जिसकी संघ लोक सेवा आयोग के अध्यक्ष या सदस्य द्वारा अध्यक्षता की जानी है, होगी।

[फा. सं. 8/5/95-ईसी-1/ई डब्ल्यू-1]

बी. एस. मिन्हास, संयुक्त सचिव

### NOTIFICATION

New Delhi, the 28th October, 1996

**G.S.R. 501(E).**—In exercise of the powers conferred by the proviso to article 309 of the Constitution and in supersession of the Central Electrical and Mechanical Engineering Services Group 'A' Recruitment Rules, 1954 (No. S.R.O.-1843, dated the 21st May, 1954), the Central Electrical Engineering Services Group 'A' Recruitment Rules, 1958 (No. G.S.R-36, dated the 31st December, 1958), and the Executive Engineers, Central Engineering and Central Electrical Engineering Service (Group 'A') (Regulation of Seniority) Rules, 1976 (No. G.S.R-892, dated the 8th June, 1976), except as respects things done or omitted to be done before such supersession, the President hereby makes the following rules, namely :—

**1. Short title and commencement :—**(1) These rules may be called the Ministry of Urban Affairs and Employment (Department of Urban Development) Central Engineering (Electrical and Mechanical) Group 'A' Service Rules, 1996.

(2) They shall come into force on the date of their publication in the Official Gazette.

**2. Definitions :—**In these rules, unless the context otherwise requires :—

- (a) "appointed day" means the date on which these rules comes into force;
- (b) "commission" means the Union Public Service Commission;
- (c) "controlling authority" means the Government of India in the Ministry of Urban Affairs and Employment;
- (d) "departmental promotion committee" means a Committee constituted to consider promotion or confirmation in any Grade;
- (e) "duty post" means a post included in Schedule-I;
- (f) "Government" means the Government of India;
- (g) "grade" means a grade of the service;
- (h) "regular service" in relation to any grade means the period or periods of service in that grade rendered after selection and appointed thereto under the rules according to the prescribed procedure for regular appointment to that grade and includes any period or periods :—
  - (1) taken into account for the purpose of seniority in case of those appointed under rule 6;
  - (2) during which an officer would have held a duty post in that grade but for being on leave or otherwise not being available for holding such post;
- (i) "Schedule" means a Schedule appended to these rules;
- (j) "Scheduled Castes and Scheduled Tribes" have the same meaning as assigned to them in clauses (24) and (25) respectively of article 360 of the Constitution of India, and "OBC" means Other Backward Classes having the same meaning and applicability as laid down in Department of Personnel and Training O.M. No. 36012/22/93-Estt. (SCT), dated the, 8th September, 1993; and

(k) "service" means the Central Engineering Service (Electrical and Mechanical) Group "A" Service constituted under rule 3.

**3. Constitution of the Service.**—All the duty posts included in the Service as specified in Schedule-I shall constitute the Central Engineering (Electrical and Mechanical) Group 'A' Service.

**4. Grade, strength and its review.**—(1) The duty posts included in the various grades of the service, their numbers and scales of pay, on the date of commencement of these rules, shall be as specified in Schedule-I.

(2) Notwithstanding anything contained in sub-rule (1), the Government may,

- (a) from time to time, by order make temporary additions or alterations to the strength of the duty posts in various grades, for such period as may be specified therein;
- (b) in consultation with the Commission, include in the Service such posts as can be deemed to be equivalent in status, grade or pay scale to the posts included in Schedule-I or exclude from the Service a duty post included in the said Schedule;
- (c) in consultation with the Commission, appoint an officer to a duty post included in the Service under clause (b) to the appropriate grade in a temporary capacity or in a substantive capacity, and fix his seniority in the grade after taking into account continuous regular service in the analogous grade.

**5. Members of the Service.**—(1) The following persons shall be the members of the Service :—

- (a) persons appointed to duty posts under rule 6; and
- (b) persons appointed to duty posts under rule 7.

(2) A person appointed under clause (a) of sub-rule (1) shall, on such appointment, be deemed to be a member of the Service in the appropriate grade applicable to him under Schedule-I.

(3) A person appointed under clause (b) of sub-rule (1) shall be a member of the Service in the appropriate grade applicable to him under Schedule-I from the date of such appointment.

**6. Initial constitution of the service.**—(1) All existing officers holding Group 'A' duty posts on regular basis in the Central Electrical and Mechanical Engineering Services, Group 'A' on the date of commencement of these rules shall be the members of the Service in the respective grades.

(2) The regular continuous service of Officers referred to in sub-rule (1) before the commencement of these rules shall count for the purpose of probation, seniority, qualifying service for promotion, confirmation and pension in the service.

(3) To the extent the controlling authority is not able to fill up the posts in authorised regular strength of various grades in the service in accordance with the provisions of this rule, the same shall be filled in accordance with the provisions of rules 7 and 8.

**7. Future maintenance of the service.**—The vacant duty posts in any of the grades referred to in Schedule-I, after the initial constitution under rule 6, shall be filled in the following manner, namely :

- (i) all the vacancies in the grade of Assistant Executive Engineer shall be filled by direct recruitment on the basis of the results of the Combined Engineering Services Examination conducted by the Commission on the basis of educational qualifications and age limits specified in Schedule-III;
- (ii) all the vacancies in the grades of Executive Engineer and above of the service shall be filled by promotion from amongst the officers in the next lower grade with minimum qualifying service as specified in Schedule-II.
- (iii) (a) The selection of officer for promotion shall be made by the departmental promotion committee as specified in Schedule-IV, by selection on merit except in the case of promotion of Assistant Executive Engineer to the post of Executive Engineer and of Superintending Engineer (Junior Administrative Grade)

- for appointment to the post of (Superintending Engineer selection grade);
- (b) selection of the Assistant Executive Engineer for promotion to the post of the Executive Engineer shall be in the order of their seniority subject to rejection of the unfit;
- (c) placement of the Superintending Engineer (Junior Administrative Grade) in the post of Superintending Engineer (selection grade) shall be made in the order of seniority based on their suitability taking into account their overall performance, experience and other related matters as per Guidelines issued by the Government from time to time;
- (iv) if any officer appointed to any post in the service is considered for the purpose of promotion to the higher post, all persons senior to him in the grade shall also be considered notwithstanding that they do not fulfil the prescribed eligibility service, if the shortfall is not more than one year and they have successfully completed their probation period, if prescribed.
- (v) the post of Chief Engineer and Superintending Engineer borne on the Common Cadre of Central Engineering Service (Civil) Group 'A' and Central Engineering Service (Electrical and Mechanical) Group 'A' shall be filled by appointment of Officers empanelled by the respective departmental promotion committee for the posts of Chief Engineer and Superintending Engineer.

**8. Filling of duty posts by deputation.**—Notwithstanding anything contained in rule 7, where the Government is of the opinion that it is necessary or expedient so to do, it may for reasons to be recorded in writing and in consultation with the Commission, fillup a duty post in any grade by transfer on deputation for a period not exceeding three years, which may in special circumstances be extended upto five years, as the Government may think fit. The qualifications, experience and the qualifying service for appointment to any grade of the Service under this rule shall be decided by the Government in consultation with the Commission on each occasion.

**9. Seniority.**—(1) The relative seniority of members of the service appointed to a duty post under rule 6, shall be as obtaining on the date of commencement of these rules :

Provided that if the seniority of any such member had not been specifically determined on the said date, the same shall be determined on the basis of the rules governing fixation of seniority as applicable to the members of the service prior to the commencement of these rules.

(2) The seniority of persons recruited to the Service, other than those appointed under rule 6, shall be determined in accordance with the general instructions issued by the government in this behalf from time to time.

(3) In the cases not covered under sub-rule (1) and sub-rule (2) above, the seniority shall be determined by the Government in consultation with the Commission.

**10. Probation.**—(1) Every Officer on appointment to the Service either by direct recruitment or by promotion shall be on probation for a period of two years :

Provided that the controlling authority may extend the period of probation in accordance with the instructions issued by the Government in this behalf from time to time :

Provided further that any decision for extension of a probation period shall be taken within eight weeks after the expiry of initial period of probation and communicated in writing to the concerned Officer together with reasons for so doing within the said period.

(2) On completion of the period of probation or any extension thereof, officer shall, if considered fit for permanent appointment, be considered for confirmation in terms of the orders of the Government issued from time to time.

(3) If, during the period of probation or any extension thereof, as the case may be, Government is of the opinion that an officer is not fit for permanent appointment, Government may discharge the officer or revert

him to the post held by him prior to his appointment in the Service, as the case may be.

(4) During the period of probation or any extension thereof, an officer may be required by Government to undergo such courses of training or to pass such examinations or tests (including examination in Hindi) as the Government may deem fit, as condition for satisfactory completion of probation.

(5) As regards other matters relating to probation, the members of the Service shall be governed by the orders or instructions issued by the Government in this behalf from time to time.

**11. Appointment to the service.**—All appointments to the Service shall be made by the controlling authority for all the duty posts in various grades of the Service.

**12. Posting.**—Officers appointed to the Service shall be liable to serve anywhere in India or abroad.

**13. Liability to serve defence services or posts connected with defence.**—Any Officer appointed to the Service, if so required, shall be liable to serve in any defence service or post connected with the Defence of India, for a period of not less than four years including the period spent on training, if any :

Provided that such Officers.—

(i) shall not be required to serve as aforesaid after the expiry of ten years from the date of appointment to the Service or from the date of his joining the Service;

(ii) shall not ordinarily be required to serve as aforesaid if he has attained the age of forty years.

**14. Disqualification.**—No person—

(a) who has entered into or contracted a marriage with a person having a spouse living, or

(b) who having a spouse living, has entered into or contracted a marriage with any person,

shall be eligible for appointment to the service :

Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

**15. Other conditions of the service.**—The conditions of service of members of the service in respect of matters for which no specific provision has been made in these rules, shall be the same as are applicable, from time to time, to officers of equivalent rank of the Central Government.

**16. Power to relax.**—Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing, and in consultation with the Commission, relax any of the provisions of these rules with respect to any class or category of persons.

**17. Saving.**—Nothing in these rules shall affect reservations, relaxation in age limit and other concessions required to be provided for the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, Ex-Servicemen and other special categories of persons in accordance with the orders issued by the Government from time to time in this regard.

**SCHEDULE—I**  
(See rule 3)

Posts indicated in column (3) also include posts sanctioned in some departments such as Income Tax etc. and are encadered in the Central Engineering (Electrical and Mechanical) Group 'A' Service

| Sl. No. | Name of the duty post and grade            | No. of posts* | Scale of pay    |
|---------|--|---------------|-----------------|
| (1)     | (2)  | (3)           | (4)             |
| 1.      | Chief Engineer (Electrical and Mechanical) | 06            | 5900-200-6700/- |

| (1)   | (2)   | (3) | (4)                        | (1) | (2)   | (3)   | (4)   |
|---|---|-----|----------------------------|-----|---|---|---|
| 2.  | Superintending Engineer (Electrical and Mechanical)   | **  | 4500-150-5700/-            |     | related matters.  | lated from the date of promotion to the senior time scale in the case of officers promoted from Assistant Engineer.   |   |
|   | Non-functional-Selection Grade  |     |                            |     |   | Executive Engineer (Electrical and Mechanical) with five years regular service in the grade and possessing degree in Electrical or Mechanical Engineering from a recognised University or equivalent. |   |
| 3.  | Superintending Engineer (Electrical and Mechanical) (Junior Administrative Grade)   | 36@ | 3700-125-4700-150-5000/-   | 3.  | Superintending Engineer (Electrical and Mechanical) (Junior Administrative Grade) | By promotion  | (B) A candidate holding a Degree from a University or equivalent examination at the time of application may also be admitted to the examination.  |
| 4.  | Executive Engineer (Electrical and Mechanical)  | 156 | 3000-100-3500-125-4500/-   | 4.  | Executive Engineer (Electrical and Mechanical)                                    | By promotion  | (i) 33 1/3 per cent from Assistant Executive Engineer (Electrical and Mechanical) with four years regular service in the grade.   |
| 5.  | Assistant Executive Engineer (Electrical and Mechanical)  | 15  | 2200-75-2800-EB-100-4000/- |     |   |   | (ii) 33 1/3 per cent from Assistant Engineers (Electrical) with eight years regular service in the grade and possessing degree in Electrical or Mechanical Engineering or any other equivalent qualification.   |
| 6.  | Assistant Executive Engineer (Electrical and Mechanical) (Leave Reserve)  | 05  | 2200-75-2800-EB-100-4000/- |     |   |   | (iii) 33 1/3 per cent. from Assistant Engineer (Electrical) with ten years regular service in the grade and possessing Diploma in Electrical or Mechanical Engineering from a recognised University or Institution or any other equivalent qualification. |
| *   | In 1996, subject to variation dependent on workload.  |     |                            |     |   |   |   |
| @   | Includes non-functional selection grade posts also in the pay scale of Rs. 4500-150-5700/-.   |     |                            |     |   |   |   |
| **  | The junior administrative grade (grade selection) is non-functional and the maximum number of posts in this grade shall be equal to fifteen per cent of the senior duty posts (i.e. all duty posts at the level of senior time scale and above in the Service) and the maximum number of posts in the selection grade (non-functional) shall be limited to the number of posts sanctioned in junior administrative grade. |     |                            |     |   |   |   |
| <b>Note :</b> Three posts of Chief Engineer and six posts of Superintending Engineers are common cadre posts for the Central Engineering (Civil) Group 'A' Service and the Central Engineering Electrical and Mechanical Group 'A' Service. |   |     |                            |     |   |   |   |

**SCHEDULE—II**  
[See rule 7(ii)]

Method of recruitment, field of promotion and minimum qualifying service in the immediate lower grade for appointment of officers on promotion to duty posts included in the various grades of the Central Engineering (Electrical and Mechanical) Group 'A' Service.

| Sl. No. | Name of duty Post and grade  | Method of recruitment  | Field of selection, minimum qualifying service and educational qualification for promotion   |
|---------|--|--|--|
| (1)     | (2)  | (3)  | (4)  |
| 1.      | Chief Engineer (Electrical and Mechanical)   | By promotion   | Superintending Engineer (Electrical and Mechanical) with eight years regular service in the grade (including service, if any rendered in the non-functional selection grade) or seventeen years regular service in group A posts of the service out of which four years regular service should be in the grade of Superintending Engineer (Electrical and Mechanical). |
| 2.      | Superintending Engineer (Electrical and Mechanical) (Non-functional) (Selection Grade) | By appointment on the basis of seniority and suitability taking into account the overall performance and other | Superintending Engineer (Electrical and Mechanical) (Junior administrative grade) who have entered fourteenth year of Group A service on the first of July of the year calculated from the year following the year of examination on the basis of which the Officer was recruited or who have rendered nine years Group A service calcu-                               |

**SCHEDULE—III**  
[See rule 7(i)]

Minimum educational qualification and age limit for direct recruitment to posts in Central Engineering Service Electrical and Mechanical Group-'A' on the basis of Competitive Examination to be conducted by the Union Public Service Commission.

(A) A candidate shall possess :—

1. a degree in Electrical or Mechanical Engineering from;
  - i. a University incorporated by an Act of the Central or State Legislature in India; or
  - ii. an educational Institution established by an Act of Parliament or declared to be deemed as University under section 3 of the University Grants Commission Act, 1956, or

(2) Such other equivalent qualification as have been or may be recognised by the Government for the purpose of admission to the said examination; or

(3) A degree/diploma in Engineering from such foreign University/College/Institution and under such conditions as may be recognised by the Government for the purpose from time to time.

**NOTE 1 :**

In exceptional cases, the Commission may treat a candidate, not possessing any of the above qualifications, as educationally qualified provided that the Commission is satisfied that he has passed examinations conducted by other Institutions the standard of which in the opinion of the Commission, justified his admission to the examination.

**NOTE 2 :**  
A candidate holding a Degree from a University or equivalent examination at the time of application may also be admitted to the examination.

Composition of the examination cases  
(Electrical and Mechanical)

Sl. Name  
No. post

(1) (2)  
1. Chief  
(Electrical and Mechanical)

2. Superintending  
Engineer  
(Electrical and Mechanical)

3. Superintending  
Engineer  
(Electrical and Mechanical)

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52  
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## NOTE 2 :

A candidate who is otherwise qualified by virtue of his having taken a Degree from a foreign University which is not recognised by Government, may also apply to the Commission and may be admitted to the examination at the discretion of the Commission;

(B) A candidate shall have attained the age of 20 years but not have attained the age of 28 years on the 1st day of August of the year in which the examination is held.

SCHEDULE—IV  
[See rule 7(4)]

Composition of Group 'A' departmental promotion committee for considering cases of promotion and confirmation in the Central Engineering (Electrical and Mechanical) Group 'A' Service

| Sl. No. | Name of duty post  | Group 'A' Departmental Promotional Committee (for considering promotion)  | Group 'A' Departmental Promotional Committee (for considering promotion) |
|---------|--|---|--|
| (1)     | (2)  | (3)   | (4)  |
| 1.      | Chief Engineer (Electrical and Mechanical)   | 1. Chairman/Member Union Public Service Commission—Chairman<br>2. Director General of Works—Member<br>3. Secretary/Special Secretary/ Additional Secretary, Ministry of Urban Affairs and Employment—Member | Not applicable   |
| 2.      | Superintending Engineer (Electrical and Mechanical) (Non-functional) (Selection Grade) | 1. Director General of Works—Chairman<br>2. Additional Secretary/ Joint Secretary, Ministry of Urban Affairs and Employment—Member  | Not applicable   |
| 3.      | Superintending Engineer (Electrical and Mechanical) (Junior Administrative Grade)      | 1. Chairman/Member Union Public Service Commission— Chairman<br>2. Director General of Works/Additional Director General of Works—Member  | Not applicable   |

| (1) | (2)  | (3)   | (4)   |
|-----|--|---|---|
| 3.  | Additional Secretary/ Joint Secretary, Ministry of Urban Affairs and Employment—Member |   |   |
| 4.  | Executive Engineer (Electrical and Mechanical)   | 1. Chairman/Member Union Public Service Commission—Chairman<br>2. Director General of Works/Additional Director General of Works—Member<br>3. Joint Secretary Ministry of Urban Affairs and Employment—Member | Not applicable  |
| 5.  | Assistant Executive Engineer (Electrical and Mechanical)                               | Not applicable.   | 1. Director General of Works/ Additional Director General of Works— Chairman<br>2. Joint Secretary, Ministry of Urban Affairs and Employment— Member<br>3. Director/Deputy Secretary Ministry of Urban Affairs and Employment—Member. |

## Note :

1. The absence of a Member, other than the Chairman or a Member of the Union Public Service Commission shall not invalidate the proceedings of the Departmental Promotion Committee if more than half the members of the Committee had attended its meetings.

2. The proceedings of the Departmental Promotion Committee relating to confirmation shall be sent to the Commission for approval. If, however, these are not approved by the Commission, a fresh meeting of the departmental promotion committee to be presided over by the Chairman or a Member of the Union Public Service Commission, shall be held.

[F. No. 8/5/95/ECI/EWI]

B.S. MINHAS, Jt. Secy.

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# भारत का राजपत्र

## The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 70 ]  
No. 70]नई दिल्ली, बुधवार, मार्च 4, 1998/फाल्गुन 13, 1919  
NEW DELHI, WEDNESDAY, MARCH 4, 1998/PHALGUNA 13, 1919

शहरी कार्य और रोजगार मंत्रालय

(शहरी विकास विभाग)

अधिसूचना

नई दिल्ली, 3 मार्च, 1998

सा. का. नि. 117 (अ).—राष्ट्रीय संविधान के अनुच्छेद 309 के परन्तुक हारा प्रदर्श शक्तियों का प्रयोग करते हुए, शहरी कार्य और रोजगार मंत्रालय (शहरी विकास विभाग), केन्द्रीय इंजीनियरी (वैद्युत और यांत्रिक) समूह "क" सेवा नियम, 1996 का संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात् :—

1. (1) इन नियमों का संक्षिप्त नाम शहरी कार्य और रोजगार मंत्रालय (शहरी विकास विभाग) केन्द्रीय इंजीनियरी (वैद्युत और यांत्रिक) समूह "क" सेवा (संशोधन) नियम, 1998 है।
2. शहरी कार्य और रोजगार मंत्रालय (शहरी विकास विभाग), केन्द्रीय इंजीनियरी (विद्युत और यांत्रिक) समूह "क" सेवा नियम, 1996 में,
  - (क) अनुसूची-2 में,
    - (i) क्रम संख्या 4 के सामने संभ 4 में की मद (i) वे अंत में "गैर चयन पद्धति हारा" शब्द जोड़े जाएंगे।
    - (ii) क्रम संख्या 4 के सामने संभ 4 में की मद (ii) सभा (iii) के अंत में "चयन पद्धति हारा" शब्द जोड़े जाएंगे।
  - (ख) अनुसूची-3 के संठ (ख) में, "20 घर्द" शब्द और अंकों के स्थान पर "21 घर्द" शब्द और अंक रखे जाएंगे।
  - (ग) (i) अनुसूची-4 में संभ 4 के संभ शौर्वक में "कोष्ठ" का मैं "प्रोत्तिः" शब्द के स्थान पर "पुच्छ" शब्द रखा जाएगा।
  - (ii) अनुसूची-4 में क्रम सं. 4 के सामने खी प्रविष्टियों के शब्दों और अंकों के स्थान पर निम्नलिखित प्रविष्टियां रखी जाएंगी, अर्थात् —

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2 THE GAZETTE OF INDIA : EXTRAORDINARY [PART II—Sec. 3 (i)]

| 1  | 2   | 3   | 4            |
|----|---|---|--------------|
| 4. | कार्यपालक इंजीनियर<br>(वैद्युत और यांत्रिक) | (i) राहायक कार्यपालक इंजीनियर समूह "क" से (गैर चयन पद्धति द्वारा)<br>1. संकर्म महानिदेशक/संकर्म अपर महानिदेशक—अध्यक्ष<br>2. संयुक्त सचिव, शहरी कार्य और रोजगार मंत्रालय—सदस्य<br>(ii) राहायक इंजीनियर, समूह "ख" से (चयन पद्धति द्वारा)<br>1. अध्यक्ष/सदस्य, संघ लोक सेवा आयोग—अध्यक्ष<br>2. संकर्म महानिदेशक/संकर्म अपर महानिदेशक—सदस्य<br>3. संयुक्त सचिव, शहरी कार्य और रोजगार मंत्रालय—सदस्य | सामूहिक होता |

[फा. सं. 8/5/95-ई. नं. 1.2. इडल्यू-1]

बा. एस. मिहास, संयुक्त सचिव

MINISTRY OF URBAN AFFAIRS AND EMPLOYMENT

(Department of Urban Affairs and Employment)

NOTIFICATION

New Delhi, the 3rd March, 1998

G.S.R. 117 (E).—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules to amend the Ministry of Urban Affairs and Employment (Department of Urban Development) Central Engineering (Electrical and Mechanical) Group 'A' Service Rules, 1996, namely:—

- (1) These rules may be called the Ministry of Urban Affairs and Employment (Department of Urban Development) Central Engineering (Electrical and Mechanical) Group 'A' Service (Amendment) Rules, 1998.
- (2) They shall come into force on the date of their publication in the Official Gazette.
- In the Ministry of Urban Affairs and Employment (Department of Urban Development) Central Engineering (Electrical and Mechanical) Group 'A' Service Rules, 1996,
  - In Schedule II,—
    - against serial number 4, in column 4, in item (i) the words 'by non-selection method' shall be added at the end.
    - against serial number 4, in column 4, in item (ii) and (iii) the words 'by non-selection method' shall be added at the end.
  - In Schedule III, in clause (B), for the word and figures "20 years" the word and figures "21 years" shall be substituted.
  - (c) (i) In Schedule IV, in the column heading of the column 4, for the word 'promotion' appearing in bracket, the word "confirmation" shall be substituted.
  - (ii) In Schedule IV, the word and figures against serial number 4, for the entries, the following entries shall be substituted, namely:—

| (1) | (2)   | (3)  | (4)            |
|-----|---|--|----------------|
| 4.  | Executive Engineer<br>(Electrical & Mechanical) | (i) From Assistant Executive Engineer Group<br>'A' (By Non-selection method);<br>1. Director General of Works/Additional Director<br>General of Works—Chairman<br>2. Joint Secretary, Ministry of Urban Affairs and<br>Employment—Member<br>(ii) From Assistant Engineers Group 'B' (By selection) | Not applicable |
|     |   |  |                |



[भाग 1]—खण्ड 3(i)]

भारा का राजपत्र : असाधारण

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| (1) | (2) | (3) | (4) |
|-----|-----|-----|-----|
|-----|-----|-----|-----|

2. Director General of works/Additional Director General of Works—Member
3. Joint Secretary, Ministry of Urban Affairs and Employment—Member

[F.No. 8/5/95/EC-IV/EW-1]

B.S. MINHAS, Jt. Secy.

## अधिसूचना

नई दिल्ली, 3 मार्च, 1998

सा. का. नि. 118 (अ)।—राष्ट्रपति, संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, शहरी कार्य और रोजगार मंत्रालय (शहरी विकास विभाग), केन्द्रीय इंजीनियरी (सिविल) समूह "क" सेवा नियम, 1996 का संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात् :—

1. (1) इन नियमों का संक्षिप्त नाम शहरी कार्य और रोजगार मंत्रालय (शहरी विकास विभाग) केन्द्रीय इंजीनियरी (सिविल) समूह "क" सेवा (संशोधन) नियम, 1998 है।  
(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।
2. शहरी कार्य और रोजगार मंत्रालय (शहरी विकास विभाग), केन्द्रीय इंजीनियरी (सिविल) समूह "क" सेवा नियम, 1995 में, (क) अनुसूची-2 में,

  - (i) क्रम संख्या 3 के सामने संबंध 4 में, "में" और "इंजीनियरी" शब्दों के बीच "सिविल" शब्द अन्तःस्थापित किया जाएगा।
  - (ii) क्रम संख्या 4 के सामने संबंध 4 में की मद (i) के अन्त में "गैर-चयन पद्धति द्वारा" शब्द जोड़े जाएंगे।
  - (iii) क्रम संख्या 4 के सामने संबंध 4 में की मद (ii) और मद (iii) के अन्त में "चयन पद्धति द्वारा" शब्द जोड़े जाएंगे।
  - (iv) क्रम संख्या 4 के सामने संबंध 4 में की मद (iii) में "गा" शब्द के स्थान पर "सिविल" शब्द रखा जाएगा।

- (ख) अनुसूची-3 के छंड (ख) में, "20 वर्ष" शब्द और अंकों के स्थान पर "21 वर्ष" शब्द और अंक रखे जाएंगे।
- (ग) अनुसूची-4 में क्रम सं. 4 और 5 के सामने फौ प्रविष्टियों के शब्दों और अंकों के स्थान पर निम्नलिखित प्रविष्टियां रखी जाएंगी, अर्थात् :—

| 1                                   | 2 | 3   | 4   |
|-------------------------------------|---|---|---|
| “4. कार्यपालक इंजीनियर (सिविल)      |   | (i) सहायात्र कार्यपालक इंजीनियर समूह "क" से (गैर चयन पद्धति द्वारा) | लागू नहीं होता  |
|                                     |   | 1. संकर्म महानिदेशक/संकर्म अपर महानिदेशक—अध्यक्ष                    |   |
|                                     |   | 2. संयुक्त सचिव, शहरी कार्य और रोजगार मंत्रालय—सदस्य                |   |
| 5. सहायक कार्यपालक इंजीनियर (सिविल) |   | (ii) सहायात्र इंजीनियर, समूह "ख" से (चयन पद्धति द्वारा)             |   |
|                                     |   | 1. अध्यात्म/सदस्य, संघ लोक सेवा आयोग—अध्यक्ष                        |   |
|                                     |   | 2. संकर्म महानिदेशक/संकर्म अपर महानिदेशक—सदस्य                      |   |
|                                     |   | 3. संयुक्त सचिव, शहरी कार्य और रोजगार मंत्रालय—सदस्य”               |   |
|                                     |   | लागू नहीं होता  | 1. संकर्म महानिदेशक/संकर्म अपर महानिदेशक—अध्यक्ष        |
|                                     |   |   | 2. संयुक्त सचिव, शहरी कार्य और रोजगार मंत्रालय—सदस्य    |
|                                     |   |   | 3. निदेशक/उप-सचिव, शहरी कार्य और रोजगार मंत्रालय—सदस्य” |

[फ. सं. 8/5/95/ई.सी.]/ह. डब्ल्यू 1]

बी. एस. मन्हात, संयुक्त सचिव

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THE GAZETTE OF INDIA : EXTRAORDINARY

[PART II--SEC. 3 (i)]

4

THE GAZETTE OF INDIA : EXTRAORDINARY

[PART II--SEC. 3 (i)]

NOTIFICATION

New Delhi, the 3rd March, 1998

G.S.R. 118(E).—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules to amend the Ministry of Urban Affairs and Employment (Department of Urban Development) Central Engineering (Civil) Group 'A' Service Rules, 1996, namely :—

1. (1) These rules may be called the Ministry of Urban Affairs and Employment (Department of Urban Development) Central Engineering (Civil) Group 'A' Service (Amendment) Rules, 1998.
2. They shall come into force on the date of their publication in the Official Gazette.
2. In the Ministry of Urban Affairs and Employment (Department of Urban Development) Central Engineering (Civil) Group 'A' Service Rules, 1996.
  - (a) In Schedule II—
    - (i) against serial number 3, in column 4, the word 'Civil' shall be inserted between words "in" and "Engineering".
    - (ii) against serial number 4, in column 4, in item (i) the words 'by non-selection method' shall be added at the end.
    - (iii) against serial number 4, in column 4, in item (ii) and (iii) the words 'by selection method' shall be added at the end.
    - (iv) for a word "or" appearing against serial number 4, in column 4 in item (iii) the word "Civil", shall be substituted.
  - (b) In Schedule III, in clause (B), for the word and figures "20 years" the word and figures "21 years" shall be substituted.
  - (c) In Schedule IV, the word and figures against serial numbers 4 and 5, for the entries, the following entries shall be substituted, namely :—

| (1) | (2)                           | (3)   | (4)            |
|-----|-------------------------------|---|----------------|
| "4. | Executive Engineer<br>(Civil) | (i) From Assistant Executive Engineer<br>Group 'A' (By Non-selection method)<br>1. Director General of Works/<br>Additional Director General of<br>Works—Chairman<br>2. Joint Secretary, Ministry of<br>Urban Affairs and<br>Employment—Member<br>(ii) From Assistant Engineers<br>Group 'B' (By selection<br>method) | Not applicable |

[ भाग II—खण्ड ३(i) ]

भारत का राजपत्र : असाधारण

(1) (2)

37

(4)

|    |   |                |  |
|----|---|----------------|--|
| 5. | Assistant Executive<br>Engineer (Civil) | Not Applicable | 3. Joint Secretary, Ministry of<br>Urban Affairs and<br>Employment—Member<br><br>1. Director General of Works/<br>Additional Director General of<br>Works—Chairman<br>2. Joint Secretary, Ministry of<br>Urban Affairs and Employment<br>—Member<br>3. Director/Deputy Secretary,<br>Ministry of Urban Affairs and<br>Employment—Member" |
|----|---|----------------|--|

[F. No. 8/5/95/EC-L/EWT]

B. S. MINHAS, JL Secy.

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# भारत का राजपत्र

## The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

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नई दिल्ली, शुक्रवार, फरवरी 22, 2002/फाल्गुन 3, 1923

No. 90]

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शहरी विकास और गरीबी उपशमन मंत्रालय

(शहरी विकास विभाग)

नई दिल्ली, 24 जनवरी, 2002

सा.का.नि. 107(अ).—राष्ट्रपति संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, शहरी विकास और गरीबी उपशमन मंत्रालय (शहरी विकास विभाग), केन्द्रीय इंजीनियरी (सिविल) समूह 'क' सेवा नियम, 1996 का संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात्:—

1. (1) इन नियमों को शहरी कार्य और गरीबी उपशमन मंत्रालय (शहरी विकास विभाग) केन्द्रीय इंजीनियरी (सिविल) समूह 'क' सेवा (संशोधन) नियम, 2002 कहा जाएगा।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. शहरी विकास और गरीबी उपशमन मंत्रालय (शहरी विकास विभाग), समूह 'क' सेवा नियम, 1996 में, (जिन्हें यहां इसके बाद उक्त नियम कहा जाएगा) नियम 7, खंड (iii) में—

(i) उप-खंड (क) के लिए निम्नलिखित उप-खंड प्रतिस्थापित किया जाएगा, अर्थात्:—

"(क) पदोन्नति के लिए अधिकारी का चयन, अनुसूची 4 में यथा उत्सुखित विभागीय पदोन्नति समिति द्वारा योग्यता के आधार पर किया जाएगा, जिसमें सहायक कार्यपालक इंजीनियर को कार्यपालक इंजीनियर के पद पर तथा कार्यपालक इंजीनियर को कार्यपालक इंजीनियर (नान-फंक्शनल कनिष्ठ प्रशासनिक ग्रेड) \* के पद पर नियुक्त करना शामिल नहीं होगा।"

(ii) उप-खंड (ग) के लिए निम्नलिखित उप-खंड प्रस्थापित किया जाएगा, अर्थात्:—

"(ग) कार्यपालक इंजीनियर की कार्यपालक इंजीनियर नान-फंक्शनल कनिष्ठ प्रशासनिक ग्रेड के पद पर नियुक्त वरीयता के क्रम से की जाएगी जो सरकार द्वारा समय-समय पर जारी दिशानिर्देशों के अनुसार उनके समग्र कार्य-निष्पादन, अनुभव तथा अन्य संबंधित बातों को ध्यान में रखकर उनकी उपयुक्तता पर आधारित होगी।"

3. उक्त नियमों की अनुसूची 1 के लिए निम्नलिखित अनुसूची प्रतिस्थापित की जाएगी, अर्थात्:—

## अनुसूची 1 (देखिए नियम 3)

कालम (3) में दर्शाये गए पदों की संख्या में कुछ विभागों जैसे आयकर आदि में स्वीकृत पद भी शामिल हैं तथा केन्द्रीय इंजीनियरी (विधुत तथा यांत्रिक) समूह "क" सेवा में सम्मिलित है।

| क्र. सं. ख्यूटी पद और श्रेणी का नाम                                   | पदों की संख्या* | वेतनमान           |
|---|-----------------|-------------------|
| 1. मुख्य इंजीनियर (सिविल)   | 40              | 18400-500-22400/- |
| 2. अधीक्षण इंजीनियर (सिविल)   | 130             | 14300-400-18300/- |
| 3. कार्यपालक इंजीनियर (सिविल)<br>(नान-फंक्शनल कनिष्ठ प्रशासनिक ग्रेड) | 200**           | 12000-375-16500/- |
| 4. कार्यपालक इंजीनियर (सिविल)   | 294             | 10000-325-15200/- |
| 5. सहायक कार्यपालक इंजीनियर (सिविल)                                   | 60              | 8000-275-13500/-  |
| 6. सहायक कार्यपालक इंजीनियर (सिविल)<br>(छुट्टी आरक्षित)               | 20              | 8000-275-13500/-  |

\* कार्यभार के आधार पर परिवर्तन किया जा सकता है।

\*\* नान-फंक्शनल कनिष्ठ प्रशासनिक ग्रेड में पदों की संख्या काडर में वरिष्ठ पदों के 30% तक सीमित होगी।

टिप्पणी : मुख्य इंजीनियर के तीन पद तथा अधीक्षण इंजीनियर के छः पद केन्द्रीय इंजीनियरी (सिविल) युप 'क' सेवा तथा केन्द्रीय इंजीनियरी (विधुत तथा यांत्रिक) युप 'क' सेवा के लिए कामन काडर पद है।

4. उक्त नियमों की अनुसूची-2 में क्रं सं.-2 तथा 3 और उससे संबंधित प्रविष्टियों के लिए निम्नलिखित क्रमांक तथा प्रविष्टियां प्रतिस्थापित की जाएंगी :—

| (1) (2)   | (3)                              | (4)  |
|---|----------------------------------|--|
| 2. अधीक्षण इंजीनियर (सिविल)   | पदोन्ति द्वारा (चयन एवं योग्यता) | कार्यपालक इंजीनियर (सिविल) 10000-325-15200 रु. के वेतनमान में नौ साल की नियमित सेवा जिसमें 12000-375-16500 रु. के वेतनमान में नान-फंक्शनल (कनिष्ठ प्रशासनिक ग्रेड) में की गई सेवा भी शामिल है तथा इस सेवा के लिए विधमान सेवा नियमों में निर्धारित शैक्षिक अंहता रखता है। |
| 3. कार्यपालक इंजीनियर (सिविल)<br>(नान-फंक्शनल प्रशासनिक ग्रेड)  | पदोन्ति द्वारा                   | कार्यपालक इंजीनियर (सिविल) 10000-15200 रु. के वेतनमान में पांच साल की नियमित सेवा।   |
| 5. उक्त नियमों की अनुसूची-4 में क्रं सं.-2 तथा 3 के लिए और उससे संबंधित प्रविष्टियों के लिए निम्नलिखित क्रमांक तथा प्रविष्टियां प्रतिस्थापित की जाएंगी :— |                                  |  |

| (1) (2)   | (3)   | (4)       |
|---|---|-----------|
| 2. अधीक्षण इंजीनियर (सिविल)   | 1. अध्यक्ष/सदस्य संघ तोक सेवा आयोग<br>2. निर्माण महानिदेशक—सदस्य<br>3. अपर सचिव/संयुक्त सचिव शहरी विकास और गरीबी उपशमन मंत्रालय—सदस्य | लागू नहीं |
| 3. कार्यपालक इंजीनियर (सिविल)<br>(नान-फंक्शनल कनिष्ठ प्रशासनिक ग्रेड) | 1. निर्माण महानिदेशक—सदस्य<br>2. अपर सचिव/संयुक्त सचिव शहरी विकास और गरीबी उपशमन मंत्रालय—सदस्य                                       | लागू नहीं |

[फा. सं/ 28/4/2001-एस. एंड डी./ई डब्ल्यू 1]

मेहर सिंह, अवर सचिव

टिप्पणी :—इसके मूल नियम दिनांक 28-10-1996 के सा. का. नि. सं. 501(5) के अंतर्गत भारत के राजपत्र में प्रकाशित हुए थे।

## MINISTRY OF URBAN DEVELOPMENT AND POVERTY ALLEVIATION

(Department of Urban Development)

New Delhi, the 24th January, 2002

G.S.R. 107(E).—In exercise of the power conferred by the proviso article 309 of the Constitution, the President hereby makes the following amendment to the Ministry of Urban Affairs and Employment (Department of Urban Development) Central Engineering (Civil) Group 'A' Services Rules, 1996, namely :—

- (1) These rules may be called the Ministry of Urban Affairs and Employment (Department of Urban Development) Central Engineering (Civil) Group 'A' Service (Amendment) Rules, 2002.
- (2) They shall come into force on the date of their publication in the Official Gazette.

In the Ministry of Urban Affairs and Employment (Department of Urban Development) Central Engineering (Civil) Group 'A' Services Rules, 1966 (hereinafter referred to as the said rules), in rule 7, in clause (iii);

- for sub-clause (a), the following sub-clause shall be substituted, namely :—  
“(a) The selection of officer for promotion shall be made by the departmental promotion committee as specified in Schedule-I V, by selection on merit except in the case of promotion of the Assistant Executive Engineer to the post of the Executive Engineer and of the Executive Engineer for appointment to the post of the Executive Engineer (Non-functional Junior Administrative Grade);”.
- for sub-clause (c), the following sub-clause shall be substituted, namely :—  
“(c) placement of Executive Engineer in the post of Executive Engineer (Non-Functional Junior Administrative Grade) shall be in the order of seniority based on their suitability taking into account their over all performance, experience and other related matters as per guidelines issued by the Government from time to time;”.

3. For Schedule I to the said rules, the following Schedule shall be substituted namely :—

## “Schedule—I

(See rule 3)

No. of Posts indicated in column (3) also includes posts sanctioned in some departments such as income tax, etc. and are encadered in the Central Engineering (Civil) Group "A" Service

| Sl. No. | Name of duty Post & Grade   | No. of posts* | Scale of Pay          |
|---------|---|---------------|-----------------------|
| (1)     | (2)   | (3)           | (4)                   |
| 1.      | Chief Engineer (Civil)  | 40            | Rs. 18400-500-22400/- |
| 2.      | Superintending Engineer (Civil)   | 130           | Rs. 14300-400-18300/- |
| 3.      | Executive Engineer (Civil) (Non Functional Junior Administrative Grade) | 200**         | Rs. 12000-375-16500/- |
| 4.      | Executive Engineer (Civil)  | 294           | Rs. 10000-325-15200/- |
| 5.      | Assistant Executive Engineer (Civil)                                    | 60            | Rs. 8000-275-13500/-  |
| 6.      | Assistant Executive Engineer (Civil) (Leave Reserve)                    | 20            | Rs. 8000-275-13500/-  |

\* Subject to variation dependent on workload.

\*\* Number of posts in Non-functional Junior Administrative Grade shall be limited to 30% of the Senior duty post in the Cadre".

Note : Three posts of Chief Engineer and Six posts of Superintending Engineers are common Cadre posts for the Central Engineering (Civil) Group 'A' service and Central Engineering Electrical and Mechanical Group 'A' service.

4. In Schedule II to the said rules, for Sl. Nos. 2 and 3, and the entries relating thereto, the following entries shall be substituted namely :

| (1)   | (2)                                | (3)  | (4)  |
|---|------------------------------------|--|--|
| 2. Superintending Engineer (Civil)  | By Promotion (Selection-cum Merit) | Executive Engineers (Civil) with nine years' regular service in the scale of Rs. 10000-325-15200 including service if any rendered in the non-functional (Junior Administrative Grade) in the pay scale of Rs. 12000-375-16500 and possessing educational qualification as prescribed in the existing Service Rules for the Services | Executive Engineers (Civil) with nine years' regular service in the scale of Rs. 10000-325-15200 including service if any rendered in the non-functional (Junior Administrative Grade) in the pay scale of Rs. 12000-375-16500 and possessing educational qualification as prescribed in the existing Service Rules for the Services |
| 3. Executive Engineer (Civil) (Non Functional Junior Administrative Grade)  | By Promotion                       | Executive Engineers (Civil) with five years' regular service in the scale of Rs. 10000-15200   | Executive Engineers (Civil) with five years' regular service in the scale of Rs. 10000-15200   |
| 5. In Schedule IV to the said rules, for the entries against Sl. Nos. 2 and 3, and the entries relating thereto, the following Sl. Nos. and entries shall be substituted, namely :— |                                    |  |  |

| (1)  | (2)  | (3)                             | (4)            |
|--|--|---------------------------------|----------------|
| 2. Superintending Engineer (Civil)   | 1. Chairman/Member Union Public Service Commission<br>2. Director General of Works<br>3. Additional Secretary/Joint Secretary, Ministry of Urban Development and Poverty Alleviation | —Chairman<br>—Member<br>—Member | Not applicable |
| 3. Executive Engineer (Civil) (Non Functional Junior Administrative Grade) | 1. Director General of Works<br>2. Additional Secretary/Joint Secretary, Ministry of Urban Development and Poverty Alleviation   | —Chairman<br>—Member            | Not applicable |

[F. No. 28/4/2001-S&D/EW-II]

MEHAR SINGH, Under Secy.

Note: The principal rules were published in the Gazette of India vide Number GSR 500(E), dated the 28th October, 1996.

नई दिल्ली, 24 जनवरी, 2002

सा.का.नि. 108(अ).—राष्ट्रपति संविधान के अनुच्छेद 309 के परन्तुकु द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, शहरी विकास और गरीबी निम्नलिखित नियम बनाते हैं, अर्थात् :—

1. (1) इन नियमों को शहरी कार्य और गरीबी उपशमन मंत्रालय (शहरी विकास विभाग) के न्यूयोर्क इंजीनियर (विद्युत और यांत्रिक) 'क' सेवा (संशोधन) नियम, 2002 कहा जाएगा।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रयृष्ट होंगे।

2. शहरी कार्य और गरीबी उपशमन मंत्रालय (शहरी विकास विभाग) समूह 'क' सेवा नियम 1996 में, (जिन्हें यहां इसके बाद उक्त नियम कहा जाएगा) नियम 7, खंड (iii) में—

(i) उप-खंड (क) के लिए निम्नलिखित उप-खंड प्रतिस्थापित किया जाएगा, अर्थात्

"(क) पदोन्नति के लिए अधिकारी का चयन, अनुसूची-4 में यथा उल्लिखित विभागीय/पदान्वित समिति द्वारा योग्यता के आधार पर किया जाएगा, जिसमें सहायक कार्यपालक इंजीनियर को कार्यपालक इंजीनियर के पद पर तथा कार्यपालक इंजीनियर को कार्यपालक इंजीनियर (नान-फंक्शनल कनिष्ठ प्रशासनिक ग्रेड) \* के पद पर नियुक्ति करना शामिल नहीं होगा।

(ii) उप-खंड (ग) के लिए निम्नलिखित उप-खंड प्रस्थापित किया जाएगा, अर्थात् :—

“(ग) कार्यपालक इंजीनियर की कार्यपालक इंजीनियर नान-फंक्शनल कनिष्ठ प्रशासनिक ग्रेड के पद पर नियुक्त योग्यता के क्रम से को जाएगी जो सरकार द्वारा समय-समय पर जारी दिशानिर्देशों के अनुसार उनके समग्र कार्य-निष्पादन, अनुभव तथा अन्य संबंधित बातों को ध्यान में रखकर उनकी उपयुक्तता पर आधारित होगी।

3. उक्त नियमों की अनुसूची-1 के लिए निम्नलिखित अनुसूची प्रतिस्थापित की जाएगी, अर्थात् :—

**अनुसूची 1 (देखिए नियम 3)**

कालम (3) में दर्शाये गए पदों की संख्या में कुछ विभागों जैसे आयकर आदि में स्वीकृत पद भी शामिल हैं तथा केन्द्रीय इंजीनियरी (विद्युत तथा यांत्रिक) समूह “क” सेवा में सम्मिलित हैं।

| क्र. सं. | हृष्टी पद और त्रैणी का नाम  | पदों की संख्या* | वेतनमान           |
|----------|---|-----------------|-------------------|
| 1.       | मुख्य इंजीनियर (विद्युत तथा यांत्रिक)   | 06              | 18400-500-22400/- |
| 2.       | अधीक्षण इंजीनियर (विद्युत तथा यांत्रिक)   | 36              | 14300-400-18300/- |
| 3.       | अधीक्षण इंजीनियर (विद्युत तथा यांत्रिक)<br>(नान-फंक्शनल कनिष्ठ प्रशासनिक ग्रेड) | 60**            | 12000-375-16500/- |
| 4.       | कार्यपालक इंजीनियर (विद्युत तथा यांत्रिक)                                       | 96              | 10000-325-15200/- |
| 5.       | सहायक कार्यपालक इंजीनियर (विद्युत तथा यांत्रिक)                                 | 15              | 8000-275-13500/-  |
| 6.       | सहायक कार्यपालक इंजीनियर (विद्युत तथा यांत्रिक) 05<br>(छुट्टी आरक्षित)          |                 | 8000-275-13500/-  |

\*कार्यभार के आधार पर परिवर्तन किया जा सकता है।

\*\* नान-फंक्शनल कनिष्ठ प्रशासनिक ग्रेड में पदों की संख्या काडर में वरिष्ठ पदों के 30% तक सीमित होगी।

टिप्पणी : मुख्य इंजीनियर के तीन पद तथा अधीक्षण इंजीनियर के 4: पद केन्द्रीय इंजीनियरी (सिविल) युप ‘क’ सेवा तथा केन्द्रीय इंजीनियरी (विद्युत तथा यांत्रिक) युप ‘क’ सेवा के लिए कामन काडर पद है।

4. उक्त नियमों की अनुसूची-2 में क्र. सं.-2 तथा 3 और उससे संबंधित प्रविष्टियों के लिए निम्नलिखित क्रमांक तथा प्रविष्टियां प्रतिस्थापित की जाएंगी :—

| (1) | (2)   | (3)                               | (4)  |
|-----|---|-----------------------------------|--|
| 2.  | अधीक्षण इंजीनियर (विद्युत तथा यांत्रिक)   | पदोन्नति द्वारा (चयन एवं योग्यता) | कार्यपालक इंजीनियर (विद्युत तथा यांत्रिक) 10000-325-15200 रु. के वेतनमान में नौ साल की नियमित सेवा जिसमें 12000-375-16500 रु. के वेतनमान में नान-फंक्शनल (कनिष्ठ प्रशासनिक ग्रेड) में की गई सेवा भी शामिल है तथा इस सेवा के लिए विद्यमान सेवा नियमों में निर्धारित शैक्षिक अहता रखता हो। |
| 3.  | कार्यपालक इंजीनियर (विद्युत तथा यांत्रिक) (नान-फंक्शनल प्रशासनिक ग्रेड)   | पदोन्नति द्वारा                   | कार्यपालक इंजीनियर (विद्युत तथा यांत्रिक) 10000-15200 रु. के वेतनमान में पांच साल की नियमित सेवा।  |
| 5.  | उक्त नियमों की अनुसूची 4 में क्र. सं. 2 तथा 3 के लिये और उससे संबंधित प्रविष्टियों के लिए निम्नलिखित क्रमांक तथा प्रविष्टियां प्रतिस्थापित की जाएंगी :— |                                   |  |

| (1) | (2)                                     | (3)  | (4)       |
|-----|---|--|-----------|
| “2. | अधीक्षण इंजीनियर (विद्युत तथा यांत्रिक) | 1. अध्यक्ष/सदस्य संघ सोक सेवा आयोग<br>2. निर्माण महानिदेशक-सदस्य<br>3. अपर सचिव/संयुक्त सचिव शहरी विवरण<br>और गरीबी उपशमन मंत्रालय-सदस्य | लागू नहीं |



| (1)  | (2)   | (3)        | (4)  |
|--|---|------------|--|
| 3. कार्यपालक इंजीनियर (विद्युत तथा यांत्रिक)<br>(नान-फंक्शनल कनिष्ठ प्रशासनिक ग्रेड) | 1. निर्माण महानिदेशक-सदस्य<br>2. अपर सचिव/संयुक्त सचिव शहरी विकास और गारीबी उपलब्ध मंत्रालय-सदस्य | लागू नहीं" |  |
|  |   |            | [फा. सं. 28/4/2001-एस. एंड डी./ई डब्ल्यू 1]<br>मेहर सिंह, अवर सचिव |

टिप्पणी : इसके मूल नियम दिनांक 28-10-1996 के सा. का. नि. सं. 501(अ) के अंतर्गत भारत के राजपत्र में प्रकाशित हुए थे।

### NOTIFICATION

New Delhi, the 24th January, 2002

**G.S.R. 108(E).**—In exercise of the power conferred by the proviso to article 309 of the Constitution, the President hereby makes the following amendment to the Ministry of Urban Affairs and Employment (Department of Urban Development) Central Engineering (Electrical and Mechanical) Group 'A' Services Rules, 1996, namely:—

1. (1) These rules may be called the Ministry of Urban Affairs and Employment (Department of Urban Development) Central Engineering (Electrical and Mechanical) Group 'A' Service (Amendment) Rules, 2002.  
(2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Ministry of Urban Affairs and Employment (Department of Urban Development) Central Engineering (Electrical and Mechanical) Group 'A' Services Rules, 1996 (hereinafter referred to as the said rules), in rule 7, in clause (iii),—
  - (i) for sub-clause (a), the following sub-clause shall be substituted, namely:—  
“(a) The selection of officer for promotion shall be made by the departmental promotion committee as specified in Schedule-IV, by selection on merit except in the case of promotion of the Assistant Executive Engineer to the post of the Executive Engineer and of the Executive Engineer for appointment to the post of the Executive Engineer (Non-functional Junior Administrative Grade);”
  - (ii) for sub-clause (c), the following sub-clause shall be substituted, namely:—  
“(c) placement of Executive Engineer in the post of Executive Engineer (Non Functional Junior Administrative Grade shall be in the order of seniority based on their suitability taking into account their over all performance, experience and other related matters as per guide lines issued by the Government from time to time;”
3. For Schedule I to the said rules, the following Schedule shall be substituted namely:—

#### Schedule I

(See rule 3)

No. of Posts indicated in column (3) also includes posts sanctioned in some departments such as income tax, etc. and are encashed in the Central Engineering (Electrical and Mechanical) Group "A" Service.

| Sl.No. | Name of duty Post and Grade  | No. of posts* | Scale of Pay          |
|--------|--|---------------|-----------------------|
| (1)    | (2)  | (3)           | (4)                   |
| 1.     | Chief Engineer (Electrical and Mechanical)   | 06            | Rs. 18400-500-22400/- |
| 2.     | Superintending Engineer (Electrical and Mechanical)  | 36            | Rs. 14300-400-18300/- |
| 3.     | Executive Engineer (Electrical and Mechanical)<br>(Non Functional Junior Administrative Grade) | 60**          | Rs. 12000-375-16500/- |
| 4.     | Executive Engineer (Electrical and Mechanical)   | 96            | Rs. 10000-325-15200/- |

| (1) | (2)  | (3) | (4)               |
|-----|--|-----|-------------------|
| 5.  | Assistant Executive Engineer (Electrical and Mechanical)                 | 15  | Rs.8000-275-13500 |
| 6.  | Assistant Executive Engineer (Electrical and Mechanical) (Leave Reserve) | 05  | Rs.8000-275-13500 |

\* Subject to variation dependent on workload.

\*\* Number of posts in Non-functional Junior Administrative Grade shall be limited to 30% of the Senior duty post in the Cadre".

**Note :** Three posts of Chief Engineer and Six posts of Superintending Engineers are common Cadre posts for the Central Engineering (Civil) Group 'A' service and Central Engineering Electrical and Mechanical Group 'A' service.

4. In Schedule II to the said rules, for Sl. Nos. 2 and 3, and the entries relating thereto, the following Sl. Nos. and entries shall be substituted, namely :—

| (1) | (2)   | (3)                                | (4)   |
|-----|---|------------------------------------|---|
| 2.  | Superintending Engineer (Electrical and Mechanical)   | By promotion (Selection-cum-Merit) | Executive Engineers (Electrical and Mechanical) with nine years' regular service in the scale of Rs. 10000-325-15200 including service if any rendered in the non-functional (Junior Administrative Grade) in the pay scale of Rs. 12000-375-16500 and possessing educational qualification as prescribed in the existing Service Rules for the Services. |
| 3.  | Executive Engineer (Electrical and Mechanical) (Non-Functional Junior Administrative Grade) | By promotion                       | Executive Engineers (Electrical and Mechanical) with five years' regular service in the scale of Rs. 10000-15200."  |

5. In Schedule IV to the said rules, for Sl. Nos. 2 and 3, and the entries relating thereto, the following Sl. Nos. and entries shall be substituted, namely :—

| (1) | (2)   | (3)  | (4)   |
|-----|---|--|---|
| 2.  | Superintending Engineer (Electrical and Mechanical)   | 1. Chairman/Member Union Public Service Commission<br>2. Director General of Works<br>3. Additional Secretary/Joint Secretary, Ministry of Urban Development and Poverty Alleviation | Not applicable<br>—Chairman<br>—Member<br>—Member |
| 3.  | Executive Engineer (Electrical and Mechanical) (Non-Functional Junior Administrative Grade) | 1. Director General of Works<br>2. Additional Secretary/Joint Secretary, Ministry of Urban Development and Poverty Alleviation   | Not applicable.<br>—Chairman<br>—Member           |

[F. No. 28/4/2001-S&D/EW-I]

MEHAR SINGH, Under Secy.

**Note :** The principal rules were published in the Gazette of India vide Number GSR 501(E), dated the 28th October, 1996.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI

2/5  
Filed by  
A. D.E.R. (M)  
Sr. C.G. Secy  
C.A. T.  
Date 11/2/04

O.A. No. 276/2003

SHRI JAI PRAKASH GUPTA

APPLICANT

Vs

UNION OF INDIA & OTHERS

RESPONDENTS

REPLY ON BEHALF OF RESPONDENT No. 3 - UNION PUBLIC SERVICE  
COMMISSION TO THE ORIGINAL APPLICATION OF THE APPLICANT.

MOST RESPECTFULLY SHOWETH:

That before submitting reply on merits to the averments made by  
the Applicant in this O.A., a brief background of the case is given hereunder.

I. BRIEF BACKGROUND

2. A Departmental Promotion Committee (DPC) meeting was held on  
27.06.2003 in the office of the Union Public Service Commission – in short the  
Commission - to consider selection of officers for promotion to the grade of Chief  
Engineer (Civil) in the Central Public Works Department – in short the CPWD -  
against 09 vacancies pertaining to the year 2003-2004. The DPC followed the  
revised guidelines issued by the Department of Personnel & Training vide their  
O.M. No. 35034/7/97-Estt. (D) dated February 8, 2002 regarding assessment of  
officers (Copy of guidelines enclosed as Annexure R-3). In this context, it is

*Ramakanta*

submitted that as per earlier DPC guidelines issued by the Department of Personnel & Training which remained in force till 07.02.2002, the DPCs were required to give an overall grading to the officers being assessed which was to be one among (i) Outstanding, (ii) Very Good, (iii) Good, (iv) Average and (v) Unfit. As per the said DPC guidelines, the bench mark prescribed for promotion to all posts in the pay scale of Rs. 12000-16500 and above was "Very Good" with the stipulation that the officers who are graded as "Outstanding" would rank en bloc senior to those who are graded as "Very Good" and placed in the select panel accordingly up to the number of vacancies, officers with the same grading maintaining their inter-se seniority in the feeder grade/ post. However, the above DPC guidelines which permitted supersession in 'Selection' promotion were revised by the DOP&T vide their O.M. dated 08.02.2002, as referred to above.

As per the revised DPC guidelines, the DPC shall determine the merit of those being assessed for promotion with reference to the prescribed bench-mark and accordingly grade the officers as 'fit' or 'unfit' only. Only those who are graded 'fit' (i.e. who meet the prescribed bench-mark) by the DPC shall be included in the select panel in order of their inter-se seniority in the feeder grade. Those officers who are graded 'unfit' (in terms of the prescribed bench-mark) by the DPC shall not be included in the select panel. Thus there shall be no supersession in promotion among those who are graded 'fit' (in terms of the prescribed bench-mark) by the DPC. The Applicant Shri J. P. Gupta was duly considered by the DPC at Sl. No. 13 of the eligibility list, as furnished by the respondent Ministry of Urban Development & Poverty Alleviation. For promotion to the grade of Chief Engineer (Civil) in CPWD which is in the pay scale of Rs. 18400-22400, the prescribed bench mark is "Very Good". On the basis of assessment of his ACRs for the relevant years, i.e. from 1997-98 to 2001-2002, as furnished by the respondent Ministry of Urban Development & Poverty

Bhavastava

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Alleviation, the applicant was assessed by the DPC as "Unfit", as he failed to attain the prescribed bench mark, i.e., "Very Good" according to the Department of Personnel & Training's revised guidelines dated 08.02.2002. The Applicant was accordingly not recommended for promotion by the DPC, though some officers junior to him who were assessed by the DPC as "Fit" and were also covered under the available vacancies were recommended for promotion.

2. That in his present O.A., the Applicant has challenged his non-promotion to the grade of Chief Engineer (Civil) on the recommendations of the above DPC mainly on the alleged ground that he has rendered an unblemished record of service with outstanding performance so far and never reported any shortcoming in his performance by the superior officers of the Department and his performance has not been inferior to the officers junior to him who have been recommended for promotion. The Applicant has also claimed that no adverse remark in his ACRs have ever been communicated to him and he should not have been declared unfit for promotion in terms of the order passed by the Hon'ble Supreme Court of India in the case of U.P. Jal Nigam & others vs. Prabhash Chandra Jain & others.

||

3. That the above allegation made by the applicant are not correct. The DPC meeting in this case was held by the Commission strictly in accordance with the relevant rules/ instructions and on the basis of information/ documents including the ACRs of the eligible officers, as furnished by the respondent Ministry of Urban Development & Poverty Alleviation. It is further submitted that grading an officer below the bench mark in an ACR cannot be construed as adverse remarks in the ACR. Thus, such ACRs in which the officer has been graded below the bench mark are not required to be communicated to the officer, as per

*for reference*

the relevant instructions. The mere fact that the applicant has not been communicated any adverse remarks does not ipso facto mean that he is to be assessed as "Fit" for promotion by the DPC. The judgements cited by the applicant, in this regard, are distinguishable and are not applicable to the facts of the present case. In this context, it is also submitted that the performance of officers may change from year to year and if the performance of an officer as reflected in his ACR for a particular year is lower than that reflected in his ACR for an earlier year, this cannot be construed as insertion of adverse remarks in the ACR and thus it is not required to be communicated to the officer, as per relevant instructions. The law laid down by Hon'ble Supreme Court of India in the case of UP Jal Nigam is distinguishable and is not applicable to the facts of the present case. The ratio in the case of UP Jal Nigam has been considered in Rajinder Kumar vs. Union of India & others, 91 (2001) Delhi Law Times 170 (DB). It has been observed in this case that the Hon'ble Supreme Court in UP Jal Nigam case had found a drastic variation from 'excellent' entry in one year to 'poor' next year and held that competent authority ought to have recorded reasons for such steep downgradation and communicated it to the concerned employee to improve his performance. In the present case, there is no record/evidence to show that there has been any steep downgradation in the ACRs of the Applicant.

*Parastava*

4. That in this context, it is respectfully submitted that as per the instructions issued by the Government of India in the Department of Personnel & Training vide their O.M. No. 22011/5/86-Estt. (D) dated 10.04.1989, as amended from time to time and as in force at the time of the DPC meeting, the DPCs have full discretion to devise their own methods and procedure for objective assessment of the suitability of candidates who are to be considered by them subject to the

broad guidelines issued by the DOP&T. It is clearly laid down in these instructions that the DPC should not be guided merely by the overall grading, if any, that may be recorded in the CRs but should make its own assessment on the basis of the entries in the CRs, because it has been noticed that sometimes the overall grading in a CR may be inconsistent with the grading under various parameters or attributes. There is a catena of judicial decisions including judgements of the Hon'ble Supreme Court of India holding that it is not within the province of the Tribunal to sit in judgement over the assessment of the DPC/Selection Committee save in the rarest of rare cases where findings of the DPC/Selection Committee may be tainted with malice. In the case of Nutan Arvind vs. UOI & Another [(1996)2 SUPREME COURT CASES 488], Hon'ble Supreme Court held that – "When a high level Committee had considered the respective merits of the candidates, assessed the grading and considered their cases for promotion, this court cannot sit over the assessment made by the DPC as an appellate authority. In the case of UPSC vs. H. L. Dev & others (AIR 1988 SC 1069), the Apex Court held that – "How to categorise in the light of the relevant records and what norms to apply in making the assessment are exclusively the functions of the Selection Committee. The jurisdiction to make the selection is vested in the Selection Committee." In the case of Dalpat Abasaheb Solanke vs. B.S. Mahajan (AIR 1990 SC 434), the Hon'ble Supreme Court held that – "It is needless to emphasize that it is not the function of the court to hear appeals over the decisions of the Selection Committees and to scrutinize the relative merits of the candidates. Whether a candidate is fit for a particular post or not has to be decided by the duly constituted Selection Committee which has the expertise on the subject." In the case of Anil Katiyar vs. UOI & others [1997 (1) SLR 153], the Hon'ble Supreme Court held that – "Having regard to the limited scope of judicial review of the merits of a selection

*Constituency*

made for appointment to a service or a civil post, the Tribunal has rightly proceeded on the basis that it is not expected to play the role of an appellate authority or an umpire in the acts and proceedings of the DPC and that it could not sit in judgement over the selection made by the DPC unless the selection is assailed as being vitiated by malafides or on the ground of its being arbitrary. It is not the case of the appellant that the selection by the DPC was vitiated by malafides."

5. In the present case, as mentioned earlier, the DPC meeting was held by the UPSC strictly in accordance with the relevant rules/instructions and on the basis of the information/documents furnished by the Department including the ACRs of the eligible officers. The Applicant was duly considered by the DPC for promotion to the grade of Chief Engineer (Civil), but as he failed to attain the prescribed bench mark, i.e. "Very Good", he was assessed as "Unfit" and not recommended for promotion. There is no infirmity in the proceedings of the DPC in this matter.

6. In view of the submissions made in the preceding paras, it is respectfully submitted that in so far as the UPSC are concerned, the submissions and allegations made by the Applicant in this O.A. are not legally sustainable and are devoid of any merit whatsoever.

## II. REPLY ON MERITS

*Comments*  
Paras 1 to 3 The averments made by the Applicant in paras 1 to 3 of the O.A. need no reply from the answering respondent. It is nevertheless reiterated that the DPC meeting for promotion to the grade of

Chief Engineer (Civil) in CPWD was held by the UPSC strictly in accordance with the relevant rules/instructions and on the basis of information/ documents including the ACRs of eligible officers, as furnished by the respondent Ministry of Urban Development & Poverty Alleviation.

- Paras 4.1 That the averments made by the Applicant in Paras 4.1 to 4.4 to 4.4 of the O.A. need no reply from the answering respondent being a matter of record. The correctness of these averments may be verified by the respondent Ministry of Urban Development and Poverty Alleviation.
- Para 4.5 That the averments made in paras 4.5 to 4.9 are denied and to 4.9 disputed. The mere fact that the Applicant has never been communicated any adverse remarks in his ACRs does not, ipso facto, mean that he has been graded above bench mark in all his ACRs. As already submitted above in the "Brief Background", grading an officer below bench mark cannot be construed as adverse remarks in the ACR. Thus, such ACRs in which the officer has been graded below the bench mark are not required to be communicated to the officer, as per the relevant instructions. In the present case, as mentioned earlier, the DPC meeting was held by the UPSC strictly in accordance with the relevant rules/instructions and on the basis of the information/documents furnished by the Department including the ACRs of the eligible officers. The Applicant was duly considered by the DPC for promotion to the grade of Chief Engineer (Civil), but as he failed to

*Ramnath Rao*

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attain the prescribed bench mark, i.e. "Very Good", he was assessed as "Unfit" and not recommended for promotion. There is no infirmity in the proceedings of the DPC in this matter.

- Para 4.10 The averments made by the applicant in para 4.10 of the O.A. are denied and disputed. It is respectfully submitted that the case of the applicant is not covered under the instructions cited by him. As already submitted above, the DPC in this case assessed the eligible officers on the basis of their service record with particular reference to the CRs of five preceding years, i.e. from 1997-98 to 2001-2002. As per applicant's own admission, he has been serving at North Eastern Region only since 7.4.2003 and as such he was not entitled to any weightage in terms of the instructions cited by him.
- Para 4.11 The averments made by the applicant in para 4.11 of the O.A. need no reply from the answering respondent.

#### IV. REPLY TO GROUNDS

That in reply to the legal grounds given by the Applicant in para 5 of O.A., it is respectfully reiterated that the DPC meeting in this case was held by the UPSC strictly in accordance with the relevant rules/ instructions and on the basis of the information/ documents furnished by the respondent Ministry of Urban Development & Poverty Alleviation. Replies to specific grounds have already been furnished in the Brief Background and reply on merits, which may

*Ramastava*

be read in reply to this para as well. The case laws cited by the Applicant are distinguishable and are not applicable to the facts of the present case.

In view of the submissions made above, it is respectfully submitted that in so far as the Commission are concerned, the Applicant has not been able to make out any case for grant of any relief and he is not entitled to any relief, as claimed or otherwise. It is, therefore, most respectfully prayed that this Hon'ble Tribunal may be pleased to dismiss this Application with costs in so far as the Commission are concerned.

*Srivastava*  
Respondent No.3

Union Public Service Commission

ए.पी. श्रीवास्तव/A.P. Srivastava  
प्रबर सचिव/Under Secretary  
संघ लोक सेवा आयोग  
Union Public Service Commission  
नई दिल्ली/New Delhi-110069

VERIFICATION

I, A. P. Srivastava, Under Secretary, Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi-110011 do hereby verify that the contents of this affidavit are true and correct to my knowledge as derived from the official records of the Union Public Service Commission. No part of the affidavit is false and no material information has been suppressed or concealed.

VERIFIED at New Delhi on this

22nd January, 2014.

*Srivastava*

Respondent No. 3

ए.पी. श्रीवास्तव/A.P. Srivastava  
प्रबर सचिव/Under Secretary  
संघ लोक सेवा आयोग  
Union Public Service Commission  
नई दिल्ली/New Delhi-110069

(10)

Annexure R-3

(69)

F.No.35034/7/97-Estt(D)

Government of India

Ministry of Personnel, Public Grievances and Pensions

Department of Personnel and Training

New Delhi - 110 001

February 8, 2002

## OFFICE MEMORANDUM

Subject:-Procedure to be observed by Departmental Promotion Committees (DPCs) - No supersession in 'selection' promotion - Revised Guidelines regarding.

- (i) DoP&T O.M.No. 22011/5/86-Estt(D) dated 10.3.1989,
- (ii) DoP&T O.M.No. 22011/5/86-Estt(D) dated 10.4.1989
- (iii) DoP&T O.M.No. 22011/5/91-Estt(D) dated 27.3.1997

The undersigned is directed to invite reference to the Department of Personnel and Training (DoP&T) Office Memorandum (O.M.) No.22011/5/86-Estt(D) dated March 10, 1989 and O.M. of even number dated April 10, 1989 [as amended by O.M.No.22011/5/91-Estt(D) dated March 27, 1997] which contain the instructions on the Departmental Promotion Committees (DPCs) and related matters. In regard to the 'selection' mode of promotion ('selection-cum-seniority' and 'selection by merit'), the aforesaid instructions prescribe the guidelines (as briefly discussed in paragraph 2 below) for overall 'grading' to be given by the DPC, 'bench-mark' for assessment of performance and the manner in which the 'select panel' has to be arranged for promotions to various levels of post/grade.

### 2. Existing Guidelines

2.1 As per the existing (aforementioned) instructions, in promotions *up to and excluding* the level in the pay-scale of Rs.12,000-16,500 (excluding promotions to Group 'A' posts/services from the lower group), if the mode happens to be 'selection-cum-seniority', then the bench-mark prescribed is 'good' and officers obtaining the said bench-mark are arranged in the select panel in the order of their seniority in the lower (feeder) grade. Thus, there is no supersession among those who meet the said bench-mark. Officers getting a grading lower than the prescribed bench-mark ('good') are not empanelled for promotion.

*Forwarded*

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2.2 In the case of promotions from lower Groups to Group 'A', while the mode of promotion happens to be 'selection by merit', the bench-mark prescribed is 'good' and only those officers who obtain the said bench-mark are promoted in the order of merit as per grading obtained. Thus, officers getting a superior grading supersede those getting lower grading. In other words, an officer graded as 'outstanding' supercedes those graded as 'very good' and an officer graded as 'very good' supercedes officers graded as 'good'. Officers obtaining the same grading are arranged in the select panel in the order of their seniority in the lower grade. Those who get a grading lower than the prescribed bench-mark ('good') are not empanelled for promotion.

2.3 In promotions to the level in the pay-scale of Rs.12,000-16,500/- and above, while the mode of promotion is 'selection by merit', the bench-mark prescribed is, 'very good' and only those officers who obtain the said bench-mark are promoted in the order of merit as per the grading obtained, officers getting superior grading supersede those getting lower grading as explained in paragraph 2.2 above. Officers obtaining the same grading are arranged in the select panel in the order of their seniority in the lower grade. Those who get a grading lower than the prescribed bench-mark ('very good') are not empanelled for promotion.

### 3. Revised Guidelines

The aforementioned guidelines which permit supersession in 'selection' promotion ('selection by merit') have been reviewed by the Government and after comprehensive/extensive examination of relevant issues it has been decided that there should be no supersession in matter of 'selection' (merit) promotion at any level. In keeping with the said decision, the following revised promotion norms/ guidelines, in partial modification (to the extent relevant for the purpose of these instructions) of all existing

### 3.1 Mode of Promotion

In the case of 'selection' (merit) promotion, the hitherto existing distinction in the nomenclature ('selection by merit' and 'selection-cum-seniority') is dispensed with and the mode of promotion in all such cases is rechristened as 'selection' only. The element of selectivity (higher or lower) shall be determined with reference to the relevant bench-mark ("Very Good" or "Good") prescribed for promotion.

### 3.2 'Bench-mark' for promotion

The DPC shall determine the merit of those being assessed for promotion with reference to the prescribed bench-mark and accordingly grade the officers as 'fit' or 'unfit' only. Only those who are graded 'fit' (i.e. who meet the prescribed bench-mark) by the DPC shall be included and arranged in the select panel in order to their inter-se seniority in the feeder grade. Those officers who are graded 'unfit' (in terms of the prescribed bench-mark) by the DPC shall not be included in the select panel. Thus, there shall be no supersession in promotion among those who are graded 'fit' (in terms of the prescribed bench-mark) by the DPC.

3.2.1 Although among those who meet the prescribed bench-mark, inter-se seniority of the feeder grade shall remain intact, eligibility for promotion will no doubt be subject to fulfilment of all the conditions laid down in the relevant Recruitment/Service Rules, including the conditions that one should be the holder of the relevant feeder post on regular basis and that he should have rendered the prescribed eligibility service in the feeder post.

Ramastava

ए.पी. श्रीवास्तव/A.P. Srivastava  
मंत्र सचिव/Under Secretary  
क्रम नं. २०६ दंगा एस. बी. बी.  
Union Public Service Commission  
४८ विनोम नं. न्यू दिल्ली-११००६९

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### 3.3 Promotion to the revised pay-scale (grade) of Rs.12,000-16,500 and above

- (i) The mode of promotion, as indicated in paragraph 3.1 above, shall be 'selection'.
  - (ii) The bench-mark for promotion, as it is now, shall continue to be 'very good'. This will ensure element of higher selectivity in comparison to selection promotions to the grades lower than the aforesaid level where the bench-mark, as indicated in the following paragraphs, shall be 'good' only.
  - (iii) The DPC shall for promotions to said pay-scale (grade) and above, grade officers as 'fit' or 'unfit' only with reference to the bench-mark of 'very good'. Only those who are graded as 'fit' shall be included in the select panel prepared by the DPC in order of their inter-se seniority in the feeder grade. Thus, as already explained in paragraph 3.2 above, there shall be no supersession in promotion among those who are found 'fit' by the DPC in terms of the aforesaid prescribed bench-mark of 'very good'.

**3.4 Promotion to grades *below* the revised pay-scale (grade) of Rs.12,000-16,500 (including promotions from lower Groups to Group 'A' posts/grades/services)**

- (i) The mode of promotion, as indicated in paragraph 3.1 above, shall be 'selection'.
  - (ii) The bench-mark for promotion, as it is now, shall continue to be 'good'.
  - (iii) The DPC shall for promotion to posts/grades/services in the aforesaid categories, grade officers as 'fit' or 'unfit' only with reference to the bench-mark of 'good'. Only those who are graded as 'fit' shall be included in the select panel prepared by the DPC in order of their inter-se seniority in the feeder grade. Thus, as already explained in paragraph 3.2 above, there shall be no supersession in promotion among those who are found 'fit' by the DPC in terms of the aforesaid prescribed bench-

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### 3.5 Zone of consideration

DoP&T O.M.No.  
22011/1/90-  
Estt(D) dated  
12.10.1990

The guidelines relating to the 'zone of consideration' in its existing form (twice the number of vacancies plus four) shall continue to have general application. However, in view of the modifications in promotion norms indicated in paragraph 3.3 above, the following stipulation [as is already applicable in the case of promotions below the revised pay-scale (grade) of Rs.12,000-16,500/- *vide* DoP&T O.M.no.22011/8/98-Estt(D) dated November 6, 1998] is also made in the regard to the zone of consideration for promotion to the revised pay-scale (grade) of Rs.12,000-16,500/- and above:

"While the zone of consideration would remain as already prescribed, the DPC, in the aforesaid category of cases, may assess the suitability of eligible employees in the zone of consideration (in the descending order) for inclusion in the panel for promotion up to a number which is considered sufficient against the number of vacancies. With regard to the number of employees to be included in the panel, the DPC may also be required to keep in view the instructions issued *vide* Department of Personnel and Training Office Memorandum No. 22011/18/97-Estt(D) dated April 9, 1996 relating to norms for preparing extended panel for promotion. In respect of the remaining employees, the DPC may put a note in the minutes that "the assessment of the remaining employees in the zone of consideration is considered not necessary as sufficient number of employees with prescribed bench-mark have become available."

4. Provisions of the paragraph 1 (vii) of the DoP&T O.M.No.AB-14017/2/97-Estt(RR) dated May 25, 1998 stand modified in accordance with these revised instructions. In addition to this, if the guidelines contained in this Office Memorandum come in conflict with the provisions of any other executive instructions (O.M.) issued by DoP&T on this subject, the same shall be taken to be modified to the extent provided herein.

5.13 The instructions contained in this Office Memorandum shall come into force from the date of its issue.

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6. Ministries/Departments are requested to give wide circulation to these revised instructions for general guidance in the matter so that immediate steps are taken to amend the Service Rules/Recruitment Rules of various services/posts/grades so as to appropriately incorporate the mode of promotion as 'selection' (in accordance with these instructions) in place of 'selection by merit' and 'selection-cum-seniority' (as was hitherto prescribed by the aforementioned O.M. dated March 27, 1997) as the case may be. The powers to amend Service Rules/Recruitment Rules in this regard are delegated to the Ministries/Departments. DoP&T need not be consulted to carry out the required amendments.

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(ALOK SAXENA)

Deputy Secretary to the Government of India

To

All Ministries/Departments of the Government of India

Copy to:-

1. The President's Secretariat, New Delhi.
2. The Prime Minister's Office, New Delhi.
3. The Cabinet Secretariat, New Delhi.
4. The Rajya Sabha Secretariat, New Delhi.
5. The Lok Sabha Secretariat, New Delhi.
6. The Comptroller and Audit General of India, New Delhi.
7. The Union Public Service Commission, New Delhi with reference to their letter No.10/7/2001-AU(C) dated 30.10.2001 (20 copies).
8. The Staff Selection Commission, New Delhi.
9. All attached offices under the Ministry of Personnel, Public Grievances and Pensions
10. Establishment Officer & Secretary, ACC (10 copies) (Smt Chitra Chopra)
11. All Officers and Sections in the Department of Personnel and Training.
12. Establishment (RR) Section, DoP&T (10 copies). They may also issue separate instructions in terms of the position indicated in paragraph 4 above.
13. Facilitation Centre, DoP&T - 20 spare copies
14. NIC (DOP&T Branch) for placing this Office Memorandum on the website of DoP&T.
15. Establishment (D) Section, DoP&T (500 copies)

ए.पी. श्रीवास्तव/A.P. Srivastava  
उपराजपत्री/Under Secretary 12.  
संघ वोल एवं अधिकारी  
Union Public Service Commission  
गोपनीय नं. 110069

119 JUL 2004

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI  
PRINCIPAL BENCH AT NEW DELHI

(75)  
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File No 16/7/04  
Sri. C. J. S. C.

ORIGINAL APPLICATION No. 276 of 2003

Shri Jai Prakash Gupta ----- APPLICANT

VERSUS

UNION OF INDIA & OTHERS ----- RESPONDENTS

AFFIDAVIT

I, Mata Prasad, aged about 64 years, working as Chairman, Union Public Service Commission, New Delhi, do hereby solemnly affirm and most humbly submit as follows:-

1. That this Hon'ble Tribunal by their order dated 13.05.2004 has directed the respondents to file clear affidavit indicating the ACRs which were considered by the DPC which met on 27.06.2003 to consider selection of officers for promotion to the post of Chief Engineer (Civil) in CPWD for filling vacancies for the year 2003-2004. The respondents have also been directed to produce the working sheet/ tabulation prepared and examined by the DPC.

2. That in so far as the first direction is concerned, it is respectfully submitted that in para 2 of the reply already filed on behalf of the Union Public Service Commission, it has been indicated that the DPC in this case assessed the eligible



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officers on the basis of their ACRs for the relevant period, i.e. from 1997-1998 to 2001-2002.

3. I, as Chairman of the Union Public Service Commission, am in control of and in-charge of its records as well as the Assessment Sheets relating to the DPC Meeting held on 27.06.2003. I have carefully read and considered the relevant records and have come to the conclusion in respect of them as under:-

- (i) I find that the file relevant to the present application is file No. F.1/11(14)/2003-AP-2 relating to the meeting of the DPC held on 27.06.2003 to consider selection of officers for promotion to the grade of Chief Engineer (Civil) in CPWD for filling the vacancies of the year 2003-2004. This file contains the Assessment Sheet of the said DPC meeting in a sealed cover.
- (ii) The sealed Assessment Sheets of DPCs are unpublished official record relating to the affairs of the State and its disclosure will cause injury to the public interest and will materially affect the freedom and candour of expression of opinion by officials in the determination and execution of public policy.



I do not, therefore, accord permission to anyone, under Section 123 of Indian Evidence Act, 1872, to produce the said document or to give any evidence derived therefrom, and, as per established practice of the UPSC, claim privilege under the said Act.

5. However, I most respectfully submit that I have no objection whatsoever to the documents in regard to which privilege has been claimed, being produced for *scrutiny*.

(77)  
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perusal by the Hon'ble Central Administrative Tribunal only, for their legal scrutiny and satisfying themselves about the bona fides and genuineness of the facts and the privilege claimed.

6. I realise the solemnity and significance attached to the exercise of power under section 123 of the Indian Evidence Act, 1872 and privilege is not being claimed on the ground of expediency, or to avoid an embarrassing or inconvenient situation or because it is apprehended that the documents, if produced would defeat the case of the Union Public Service Commission.

Solemnly affirmed at New Delhi, on 25-06-2004

*read & understood*  
(MATA PRASAD)

CHAIRMAN

UNION PUBLIC SERVICE COMMISSION  
DEPONENT

### VERIFICATION

I, Mata Prasad, do hereby solemnly affirm and state that the contents of paragraphs 1 to 6 are true to my knowledge.

*read & understood*  
(MATA PRASAD)

CHAIRMAN

UNION PUBLIC SERVICE COMMISSION

Place: New Delhi

Date: 25-6-04

*Identified that the deposent  
Shri Mata Prasad*

*S/o Shri ...  
R/o ... U.P.S.C.*

*Identified by Shri ...  
has Solemnly affirmed before me at New  
Delhi on 25-6-04 that the contents  
of the affidavit which has been read over  
and explained to him are true & correct  
in his knowledge.*

25 JUN 2004