

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

(1) CP 20/07 order - pg. 1 to 2. ~~Handwritten~~ - 18.01.08

under MP. 7/08

(2) CP 3/08 order - pg. 1 to 5 CP dropped
27.8.2009

INDEX

O.A./T.A No. 74/2007

R.A./C.P No.

E.P./M.A No.

1. Orders Sheet..... OAPg. 1to. 3
2. Judgment/Order dtd. 27.8.2007Pg. 1to. 6 A/D
3. Judgment & Order dtd.Received from H.C/Supreme Court
4. O.A. OAPg. 1to. 7
5. E.P./M.P. 7/08 in CP 20/07Pg. 1to. 5
6. R.A./C.P. 20/07Pg. 1to. 7
CP 3/2008Pg. 1to. 25
7. W.S.Pg.to.
8. Rejoinder.....Pg.to.
9. Reply.....Pg. 7to.
10. Any other Papers.....Pg.to.
11. Memo of Appearance.....
12. Additional Affidavit. counter in CP 3/08 pg. 1 to 6.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

25/09/2007

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

1. Original Application No. 74/07
2. Miscellaneous Petition No.
3. Contempt Petition No.
4. Review Application No.

Applicant(s) S.M. Bangshiyar & Ors VS Union of India & Ors

Advocate for the Applicant(s) Adil Ahmed

Ms. S. Bhattacharyya

Advocate for the Respondant(s) Sr. Case

Notes of the Registry	Date	Order of the Tribunal
<p>Application in form is filed for Rs. 10/- deposited with the No. 346.651.389 dated 26.2.07</p> <p><i>[Signature]</i> Dy. Registrar</p> <p><i>[Signature]</i> 26.2.07</p> <p>Petition is for issue of writ with envelops are received</p> <p><i>[Signature]</i></p>	20.3.07	<p>The claim of the applicants is that the applicants have promoted to the post of Assistant Engineer from 2001 and they have joined in the C.P.W.D as Junior Engineer in the year 1988 to 1991. The grievance of the applicants is that the vacancies against which the applicants have been appointed though pertain to the previous years but the seniority have been allowed to the applicants from the years 2001 and they are eligible to be promoted in the year 1994 to 1997. But the Respondents have not given the seniority from the date of</p>

Contd/-

2

20.3.07 The claim of the applicants is that the applicants have promoted to the post of Assistant Engineer from 2001 and they have joined in the C.P.W.D as Junior Engineer in the year 1988 to 1991. The grievance of the applicants is that the vacancies against which the applicants have been appointed though pertain to the previous years but the seniority have been allowed to the applicants from the years 2001 and they are eligible to be promoted in the year 1994 to 1997. But the Respondents have not given the seniority from the date of

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Contd/-

FORM No.4
(Sec Rule 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET.

1. Original Application No. 74 of 07.....
 2. Misc. Petition No.....
 3. Contempt Petition No.....
 4. Review Application No.....
- Applicant(s) S.M. Bangshiary & Ors.....
- Respondent(s)
- Advocate for the Applicant(s) Adil Ahmed, Ms. S. Bhattacharjee
- Advocate for the Respondent(s) Sr. C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
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This application is in form.
is filed/C F. for Rs. 10/-
deposited vide IPO/BD
No. 346/651389
Dated 26.2.27

Dy. Registrar

NS
A-307

20.3.07

The claim of the applicants is that the applicants have promoted to the post of Assistant Engineer from 2001 and they have joined in the C.P.W.D as Junior Engineer in the year 1988 to 1991. The grievance of the applicants that the vacancies against which applicants have been appointed though pertain to the previous years but seniority have been allowed to applicants from the years 2001 and are eligible to be promoted in 1994 to 1997. But the Respondent not given the seniority from the

2- OA 74107

9

20.3.07

eligible to be promoted to the post of Assistant Engineer. The claim of the applicant is that they should have given notional promotion as Assistant Engineer. The other Bench of the Tribunal including the Principal Bench, New Delhi allowed the notional seniority in the similarly situated persons.

I have heard Mr.A.Ahmed learned counsel for the applicant and Ms.U.Das learned Addl.C.G.S.C. for the Respondents. When the matter came up for hearing the learned counsel for the respondents has submitted that she would like to take instructions.

Issue notice on the Respondents.

Post the matter on 7.5.07.



Member



Vice-Chairman

lm

counsel for the respondents prays for time to file written statement. Four weeks time is granted to file written statement. post the matter on 7.6.07.



Vice-Chairman

lm

7.6.2007

Post the case on 9.7.2007 for filing of reply statement.




Vice-Chairman

Notice & order sent to D/Section for issuing to Resp. Nos. 1, 2 & 3 by regd. A/D post.


CLB D/No-271 to 273
8/3/07. DT= 8/4/07.

Service report
of waiter.


7.5.07. 7.5.07.

is him been

ff.

A filed.

6.7.07.

/bb/

0. A. 74/07

9.7.07. Counsel for the respondents wanted time to file written statement. Let it be done. Post the matter on 7.8.07..

Vice-Chairman

lm

27.8.07. Judgment delivered in open Court. Kept in separate sheets. Application is disposed of. No costs.

Vice-Chairman

Wks not billed.

24.8.07

Received
Alpha Dan
Addl Chsc
07/9/07

25.8.07

C. Copy has been
collected by Mr H/ADM
for application on
27.8.07-
J.S.

18.3.08

Indgt issued
vide D/Nos 343
to 345 Dtd 31.1.08
J.S.

CENTRAL ADMINISTRATIVE TRIBUNAL::GUWAHATI BENCH.

(O.A. No 74 of 2007)

DATE OF DECISION 27.8.2007.

Mr.S.M.Bangshiary & Ors.

APPLICANT/S

Mr.Adil Ahmed,

**ADVOCATE FOR THE
APPLICANT(S)**

- VERSUS-

Union of India & Ors.

RESPONDENT(S)

Ms.U.Das, Addl.C.G.S.C.

**ADVOCATE FOR THE
RESPONDENT(S)**

CORAM

HON'BLE MR.K.V.SACHIDANANDAN, VICE-CHAIRMAN

1. Whether Reporters of local papers may be allowed to see the judgments? *no*
2. To be referred to the Reporter or not? *no*
3. Whether to be forwarded for including in the Digest Being complied at Jodhpur Bench & other Benches? *no*
4. Whether their Lordships wish to see the fair copy of the Judgment? *no*

Judgment delivered by Hon'ble Vice-Chairman

29/8/07


9

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.74 of 2007

Date of Order: This the 27th Day of August, 2007.

HON'BLE MR.K.V.SACHIDANANDAN, VICE-CHAIRMAN

1. **Shri Sashi Mohan Bangshiary**
Son of Shri Durgeswar Banshiary
Assistant Engineer(Civil)
Guwahati Central Sub-Division-II
CPWD, Kotabari, Guwahati-35
 2. **Shri Ramen Borah**
Assistant Engineer(Civil)
Guwahati Central Sub-Division-1, CRPF Group Centre
CPWD, Guwahati-23
 3. **Shri Hemen Chandra Rava**
Assistant Engineer(Civil)
Tezpur Central Sub-Division-1
Near Mahabhairab New Market Tezpur Dist.
Sonitpur
 4. **Mrs. Saraswagti Knowar**
Assistant Engineer (P)
Tezpur Central Division
Near Mahabhairab New Market Tezpur Dist.
Sonitpur.
 5. **Shri Lakhya Ram Patir**
Assistant Engineer(Civil)
Khatkoti Central Sub-Division-1
CPWD, Group Centre, CRPF
Khatkoti, Dist: Karbi Anglong
 6. **Shri Lohit Sonowal**
Assistant Engineer(Civil)
Mohanbari Aviation Sub-Division
CPWD, Mohanbari Air Field
Dibrugarh, Dist:Dibrugarh
 7. **Shri Diken Chandra Boro**
Assistant Eengineer(Electrical)
Electrical Mechanical Sub-Division
Doomdoooma CPWD
Doomdoooma-786151
- 

8. **Shri Ngil Khanpau**
Assistant Engineer(Civil)
Manipur Central Sub-Division-II,
CPWD, Tulihal Airport,
Imphal-795140
Manipur.
9. **Shri Ramesh Chandra Das**
Assistant Engineer (Civil)
Dimagiri Central Maintenance
Sub-Division-II, IBBR CPWD
Dimagiri (Tlabung)
Mizoram
10. **Shri Suresh Pal**
Assistant Engineer (Civil)
Dimagiri Central Maintenance
Sub-Division-1, IBBR CPWD
Dimagiri (Tlabung)
Mizoram

Applicants

By Advocate Mr.A.Ahmed,

-AND-

1. **The Union of India represented by the**
Secretary to the Government of India
Ministry of Urban Affairs
Nirman Bhawan, New Delhi-11
2. **The Director General (Works)**
Central Works Public Department
118-A, Nirman Bhawan
New Delhi-110011.
3. **The Director (Administration)**
Central Public Works Department
Nirman Bhawan,
New Delhi-110011.


Respondents.

By Advocate Ms.U.Das, Addl.C.G.S.C.



ORDER (ORAL)**K.V.SACHIDANANDAN, V.C:**

The case of the applicant is that the applicants become eligible for being considered for promotion to the post of Assistant Engineer under the Departmental Competitive Examination. However the Respondents did not hold the Examination in time resulting various litigations. The Respondent notified the Examination through advertisement declaring 391 vacancies to the post of Assistant Engineer for the years from 1993-1994 till 1999. The applicants appeared in the said examination and duly qualified the same. But the Respondents did not declare the result for all the vacancies year wise. The result for the remaining 65 vacancies year wise subsequently declared by the Respondents, but the seniority have been allowed to the applicants from the year 2001 only. On the other hand those persons who were appointed to the post of Executive Engineer CPWD on seniority basis were allowed the notional seniority w.e.f. the dates from which the vacancies have been available to the appointment. According to the applicant some similarly situated persons has approached the Central Administrative Tribunal, Principal Bench, New Delhi by filing O.A.No.2710/2003 Shri Vijandar Singh and others and O.A.No.1260/CH/2003 by A.P. Garg and Others before the Hon'ble CAT Chandigarh Bench, accordingly, the Principal Bench, CAT, New Delhi and Chandigarh Bench granted the Notional seniority from the date and the years in which vacancies arises against which the applicants are shown to have been appointed as Assistant Engineer, CPWD. The instant applicants being similarly situated with those persons were not the said benefit. As such they filed various



Representations before the Respondents, but the Respondent did not take any action in this regard. Being aggrieved the applicant has filed this O.A. Seeking the following reliefs:

"8.1) That the Hon'ble Tribunal may be pleased to direct the Respondents to give notional seniority to the applicants from the date and year when vacancies of Assistant Engineers arose with all consequential benefits.


8.2) That the Hon'ble Tribunal may be pleased to direct the Respondents to allow seniority to the applicants, w.e.f. the dates and the years in which vacancies against the applicants have been appointed were available.

8.3.) To pass any other appropriate relief or relieves to which the applicants may be entitled and as may be deem fit and proper by the Hon'ble Tribunal."

I have heard Mr.A.Ahmed learned counsel for the applicants and Ms. U. Das learned Addl.C.G.S.C for the Respondents. When the matter came up for hearing the learned counsel for the applicant has drawn our attention to the Office Order dated 23.02.2006 (Annexure -J) which is reproduced as follows:-

OFFICE ORDER

" In partial modification of this Office Order even number dated 23.02.2006, the undersigned is directed to say that in compliance to the directions of the Hon'ble



C.A.T., Chandigarh Bench in O.A.No.1260/2003 by its order dated 29th July, 2004 in the case of A.P. Garg & Others Vs. UOI & Others, the undersigned is directed to say that notional seniority be fixed as per merit with date of joining as 1st July of the relevant year of the vacancy in respect of those who were a party in the case. Rest will remain same."

In this matter also the Notional Seniority has been fixed as per seniority. He also produced the a letter dated 22.5.2007 which quoted as follows:-

"In compliance to the directions of the Hon'ble CAT,(Principal Bench) New Delhi in O.A.No.1105/2006 by its order dated 2.4.2007 in the case of Ashok Meena & Others Vs. UOI & Others, notional seniority is granted to the Assistant Engineers (Civil & Elect.), who were party (as per enclosed Annexure) in the case and were appointed on the basis of Limited Departmental Competitive Examination, 1999, w.e.f 1st July of the year in which the vacancies arose.

This is subject to the outcome in the CWP No.19316/2005 in the Hon'ble High Court of Punjab and Haryana and CWP No.1188/2005 in the Hon'ble High Court of Delhi."

It is contended that the case of Ashok Kumar Meena & Others Vs. UOI & Others and in compliance of the directions of the CAT, Principal Bench New Delhi, Judgment, O. A. No.1105/2006. The Counsel for the applicant has submitted that he will be satisfied if directions is given to the Respondents to consider and dispose of the same within the time frame. Counsel for the Respondents has

submitted that she has no objection if such direction is given. In the interest of justice, this Court directs the applicant to make comprehensive representation individually BEFORE THE 2ND respondents within 15 days from the date of receipt of this order and on receipt of such representation the Respondent No.2 or any other competent authority shall dispose of the same within a time frame of three months thereafter with considering the above observations made by this Court.

O.A is disposed of accordingly at the admission stage itself. There shall be no order as to costs.



(K.V.SACHIDANANDAN)
VICE-CHAIRMAN

LM

19 MAR 2007

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH GUWAHATI.

(An Application Under Section 19 of the Administrative Tribunals Act 1985)

ORIGINAL APPLICATION NO. 74 OF 2007.

Shri Sashi Mohan Bangshiary & Others

...Applicants

- Versus -

The Union of India & Others

...Respondents

INDEX

Sl. No.	Annexure	Particulars	Page No.
1	...	Application	1 to 12
2	...	Verification	13
3	A	Typed copy of the Recruitment Rules for the post of Assistant Engineer, C.P.W.D. was published in Gazette of India, June 21, 1997.	14 - 16
4	B	Typed copy of the Judgment & Order dated 15.02.1999 passed in O.A. No.2239/1998 with O.A.No.2526/1998 in Kamal Kishore Joshi & Others -Vs- Union of India & Others and Sudama Prashad Sharma & Others -Vs- Union of India.	17 - 28
5	C	Photocopy of the Notification for filling up the post of Assistant Engineer (Civil) and Assistant Engineer (Electrical) dated 16.09.1998.	29 - 32
6	D	Photocopy of the relevant portion of the result of AE (C.P.W.D.) L.D.C.E. 1999 dated 16.02.2001.	33 - 39
7	E	Photocopy of the Extract portion of the Office Order No. 216/2001 dated 28.09.2001.	40 - 41
8	F	Photocopy of the Office Memorandum No.29/1/2002-EC-III dated 04.06.2002.	42 - 46
9	G	Photocopy of Order No.29/7/2002-EC-III dated 04.09.2003.	47
10	H	Photocopy of the Judgment & Order dated 13.05.2004 passed by the Hon'ble Tribunal, Principal Bench, New Delhi in O.A.No.2710/2003.	48 - 53
11	I	Photocopy of the Judgment & Order dated 29.06.2004 passed by the Hon'ble Tribunal, Chandigarh Bench, Chandigarh in O.A.No.1260/CH/2003.	54 - 59

[Handwritten signature]

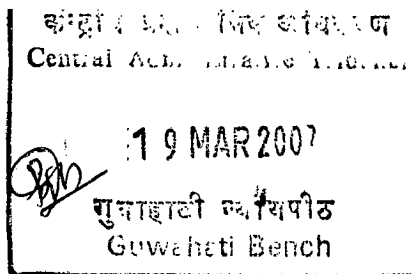
12	J	Photocopy of the Office Order No.8/26/2005-EC-III dated 22/23.05.2006.	60
13	K-K....	Photocopies of some of the Representations filed by the instant Applicants before the Respondent No.2.	61 - 70
14	L.	Photocopy of the Judgment & Order of Hon'ble Central Administrative Tribunal, New Delhi in R. K. Nafaria -Vs-Union of India in O.A.No.605 of 1987.	71 - 76

Date: 19-03-2006.

Filed By:

Smita Bhattachajee
Advocate

Ray



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:: GUWAHATI.

(AN APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNAL ACT, 1985)

ORIGINAL APPLICATION NO. 74 OF 2007.

BETWEEN

Shri Sashi Mohan Bangshiary & 9 Others

..... Applicants

- Versus -

The Union of India & Others

..... Respondents.

LIST OF DATES AND SYNOPSIS

- 1988 to 1991 The Applicants herein joined in Central Public Works Department (in short CPWD) under the Respondent No. 1 as Junior Engineer on different dates in the year 1988 to 1991.
- 1993 to 1997 The Applicants become eligible for being considered for promotion to the post of Assistant Engineer under the mode of Limited Departmental Competitive Examination. However the Respondents did not hold the Examination in time resulting various litigations.
- 15-02-1999 The Hon'ble Tribunal Principle Bench New Delhi, in case of Kamal Kishan Joshi and others -Vs- Union of India and Others while interpreting the rules directed the Respondents to hold the LDCE vide its Order dated 15-02-1999.
- 16-09-1998 The Respondent No. 2 notified the Examination through advertisement declaring 391 vacancies to the post of Assistant Engineer for various years as starting year from 1993- 1994 till 1999.

[Signature]

- 12
- 16-02-2001 The Applicants appeared in the said examination and duly qualified the same. However the Respondent did not declare the result for all the vacancies in one go. The result was declared in respect of only 336 vacancies year wise.
- 01-02-2002 The result for the remaining 65 vacancies year wise was subsequently declared by the Respondent. It is humbly submitted that the vacancies against which the applicants have been appointed though pertain to the previous years but the seniority have been allowed to the applicants from the year 2001 only. On the other hand those persons who were appointed to the post of Executive Engineer CPWD on seniority basis were allowed the notional seniority w.e.f. the dates from which the vacancies have been available to the appointment.
- 04-09-2003 The Respondent rejected the claim of the notional seniority to the Applicants.
- 13-05-2004 The Hon'ble Principle Bench CAT New Delhi, allowed the notional seniority in the similarly situated person's case.
- 29-06-2004 The Hon'ble Tribunal Chandigarh Bench allowed another case of similarly situated persons on notional seniority.
- 22/23-05-2006 The Respondent No. 2 conveyed that notional seniority has been fixed to those Assistant Engineers only who were parties in the aforesaid cases and the rest will remain same. Thereafter the instant Applicants filed various representations in different dates but the Respondent did not considered the same till date.

Hence this Original Application for seeking justice in this matter.

/ / / / /

Ray

FILED BY

Shri Sashi Mohan Bangshiary
Applicant No. 1.

Through: Smita Bhattacharyee
(Advocate)

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:: GUWAHATI.**

(AN APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNAL ACT, 1985)

ORIGINAL APPLICATION NO.

OF 2007.

BETWEEN

1. Shri Sashi Mohan Bangshiary
Son of Shri Durgeswar Bangshiary
Assistant Engineer (Civil)
Guwahati Central Sub-Division-II
CPWD, Kotabari, Guwahati-35.
2. Shri Ramen Borah
Assistant Engineer (Civil)
Guwahati Central Sub-Division-I
CRPF Group Centre
CPWD, Guwahati-23.
3. Shri Hemen Chandra Rava
Assistant Engineer (Civil)
Tezpur Central Sub-Division-I
Near Mahabhairab New Market Tezpur Dist:
Sonitpur.
4. Mrs. Saraswati Konwar
Assistant Engineer (P)
Tezpur Central Division
Near Mahabhairab New Market Tezpur Dist:
Sonitpur.
5. Shri Lakhya Ram Patir
Assistant Engineer (Civil)
Khatkoti Central Sub-Division-I
CPWD, Group Centre, CRPF
Khatkoti, Dist: Karbi Anglong.
6. Shri Lohit Sonowal
Assistant Engineer (Civil)
Mohanbari Aviation Sub-Division
CPWD, Mohanbari Air Field
Dibrugarh, Dist: Dibrugarh.
7. Shri Diken Chandra Boro
Assistant Engineer (Electrical)
Electrical Mechanical Sub-Division
Doomdooma CPWD
Doomdooma-786151.

Ray

8. Shri Ngil Khanpau
Assistant Engineer (Civil)
Manipur Central Sub-Division-II
CPWD, Tulihal Airport
Imphal-795140
Manipur.
9. Shri Ramesh Chandra Das
Assistant Engineer (Civil)
Dimagiri Central Maintenance
Sub-Division-II, IBBR CPWD
Dimagiri (Tlabung)
Mizoram.
10. Shri Suresh Pal
Assistant Engineer (Civil)
Dimagiri Central Maintenance
Sub-Division-I, IBBR CPWD
Dimagiri (Tlabung)
Mizoram

...Applicants

-AND-

1. The Union of India represented by the
Secretary to the Government of India
Ministry of Urban Affairs
Nirman Bhawan, New Delhi-11.
2. The Director General (Works)
Central Works Public Department
118-A, Nirman Bhawan
New Delhi- 10011.
3. The Director (Administration)
Central Public Works Department
Nirman Bhawan,
New Delhi-110011.

...Respondents

DETAILS OF THE APPLICATION :

PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE:

This Original Application is filed by the Applicants for granting them the seniority on notional basis in the Grade of Assistant Engineer with effect from the date of availability of vacancy against which the Applicants appeared in Limited Departmental Competitive Examination (in short LDCE) and also praying for the same benefits given by the Respondents to the other



similarly situated persons in reference to the Judgments and Orders passed by the Hon'ble Central Administrative Tribunal Principle Bench, New Delhi, in O. A. No. 2710/03 dated 13-05-2004 in Vijandar Singh and Others - Vs- Union of India and Others and the Hon'ble Central Administrative Tribunal, Chandigarh Bench in O.A.No.1260/CH/2003 dated 29.07.2004 A.P.Garg & Others -Vs- Union of India & Others.

2) **JURISDICTION OF THE TRIBUNAL**

The Applicants declare that the subject matter of the instant application is within the jurisdiction of the Hon'ble Tribunal.

3) **LIMITATION**

The Applicants further declare that the subject matter of the instant application is within the limitation prescribed under Section 21 of the Administrative Tribunal Act 1985.

4) **FACTS OF THE CASE:**

Facts of the case in brief are given below:

4.1) That your humble Applicants are citizen of India and as such they are entitled to all rights and privileges guaranteed under the Constitution of India.

4.2) That your Applicants beg to state that the Applicant No.1 belongs to S.T. Community. He was appointed as Junior Engineer (Civil) in Central Public Works Department (in short C.P.W.D.) on 29.01.1990. The Applicant No.2 belongs to S.T. Community. He was appointed as Junior Engineer (Civil) in C.P.W.D. on 31.10.1989. The Applicant No.3 belongs to S.T. Community. He was appointed as Junior Engineer (Civil) in C.P.W.D. on 15.09.1989. The Applicant No.4 belongs to S.T. Community. He was appointed as Junior Engineer (P) in C.P.W.D. on 09.06.1991. The Applicant No.5 belongs to S. T. Community. He was appointed as Junior Engineer (Civil) in C.P.W.D. on 01.11.1989. The Applicant No.6 belongs to S.T. Community. He was appointed as Junior Engineer in C.P.W.D. on



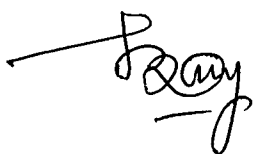
31.10.1989. The Applicant No.7 belongs to S.T. Community. He was appointed as Junior Engineer (Electrical) in C.P.W.D. on 24.05.1988. The Applicant No.8 belongs to S.T. Community. He was appointed as Junior Engineer (Civil) in C.P.W.D. on 20.12.1990. The Applicant No.9 belongs to S.T. Community. He was appointed as Junior Engineer (Civil) in C.P.W.D. on 17.07.1991. The Applicant No.10 belongs to S.T. Community. He was appointed as Junior Engineer (Civil) in C.P.W.D. on 06.03.1989.

4.3) That your Applicants beg to state that as the grievances and relief prayed in this Application are common. Therefore, they pray before this Hon'ble Tribunal for grant of permission under Section 4 (5) (A) of the Central Administrative Tribunal (Procedure) Rules 1987 to move this Application jointly.

4.4) That your Applicants beg to state that next promotion from Junior Engineer (Civil), C.P.W.D. is the post of Assistant Engineer. There are two channels for promotion to the post of Assistant Engineer. The Recruitment Rules for the post of Assistant Engineer, C.P.W.D. was published in Gazette of India, June 21, 1997.

Typed copy of the Recruitment Rules for the post of Assistant Engineer, C.P.W.D. was published in Gazette of India, June 21, 1997 is annexed hereunto and marked as ANNEXURE-A.

4.5) That your Applicants beg to state that when they became eligible to appear in Limited Departmental Competitive Examination (in short LDCE) for promotion to the post of Assistant Engineer, the Respondents did not hold the aforesaid examination in time which resulted various litigation. The Hon'ble Central Administrative Tribunal, Principal Bench, New Delhi vide its Judgment & Order dated 15.02.1999 passed in O.A. No.2239/1998 with O.A.No.2526/1998 in Kamal Kishore Joshi & Others -Vs- Union of India & Others and Sudama Prashad Sharma & Others -Vs- Union of India consideration for promotion to the post of Assistant



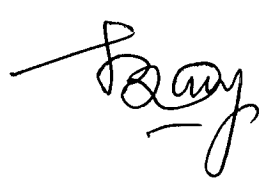
Engineer directed the Respondent to hold the LDCE for the post of Assistant Engineer with some observation.

Typed copy of the Judgment & Order dated 15.02.1999 passed in O.A. No.2239/1998 with O.A.No.2526/1998 in Kamal Kishore Joshi & Others -Vs- Union of India & Others and Sudama Prashad Sharma & Others -Vs- Union of India is annexed hereunto and marked as ANNEXURE-B.

4.6) That your Applicants beg to state that as per direction issued by the Hon'ble Tribunal, Principal Bench, New Delhi in the Judgment & Order in afore mentioned the Respondent No.2 notified the LDCE for filling up 391 vacancies of Assistant Engineer (Civil) (including the vacancies reserved for Schedule Caste and Schedule Tribes candidates as per the Rules) and 68 vacancies of Assistant Engineer (Electrical) (including vacancies reserved for Schedule Caste and Schedule Tribes as per Rules) vacancies for various years as starting year from 1993-1994 till 1999 vide its Notice dated 16.09.1998.

Photocopy of the Notification for filling up the post of Assistant Engineer (Civil) and Assistant Engineer (Electrical) dated 16.09.1998 is annexed hereunto and marked as ANNEXURE-C.

4.7) That your Applicants beg to state that they appeared in the said Examination and qualified the same. However, the result was not declared by the Respondents in respect all the vacancies in one go. The Result was declared in respect of only 336 vacancies year wise vide No. SE (T) 1/JE/Deptt.Exam/98-99/1710 dated 16.02.2001. Subsequently however, the result was declared for remaining 65 vacancies year wise vide Office Order No. SE (T)/1/JEs/Deptt.Exam/98-99/261 dated 01.02.2002. The Applicants were declared successful in these results.

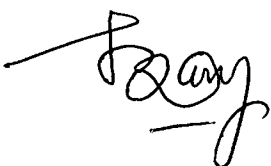


Photocopy of the relevant portion of the result of AE (C.P.W.D.) L.D.C.E. 1999 dated 16.02.2001 is annexed hereunto and marked as ANNEXURE-D.

4.8) That your Applicants beg to state that on perusal of the aforesaid declaration of the result would show that Applicants have been appointed against the vacancy starting from the year 1994-1995 onwards the details with regard to the appointment of the Applicant are as under.

Sl. No.	Name	Eligible for A.E. as per Result declare	Seniority to be allowed for the year (Sr. No.)	Date of actual promotion as Assistant Engineer
1	Shri S. M. Bangsiwary (C)	1994-1995	1994-1995	16.04.2001
2	Shri R. Borah (C)	1994-1995	1994-1995	16.04.2001
3	Shri H. C. Rava (C)	1994-1995	1994-1995	05.03.2001
4	Smti Saraswati Konwar (C)	1995-1996	1995-1996	28.02.2005
5	Shri Lakhya Ram Patir (C)	1994-1995	1994-1995	08.03.2001
6	Shri Lohit Sonowal (C)	1994-1995	1994-1995	01.03.2001
7	Shri Diken Chandra Boro (E)	1993-1994	1993-1994	03.03.2001
8	Shri Ngil Khanpau (C)	1995-1996	1995-1996	12.06.2001
9	Shri Ramesh Chandra Das (C)	1995-1996	1995-1996	12.04.2001
10	Shri Suresh Pal (C)	1996-1997	1996-1997	09.04.2001

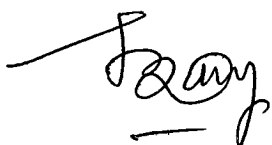
4.9) That your Applicants beg to state that vide Office Memorandum No.29/1/2002-EC-III dated 04.06.2002 and Order dated 04.06.2003 the Respondents declared the provisional seniority lists of Assistant Engineers (Civil & Electrical) in C.P.W.D. as on 01.04.2002. It is to be stated even though the vacancies against which the Applicants have been appointed as Assistant Engineer pertain to various previous year but the seniority have been allowed to the Applicants as of the year 2001 and except in case of Applicant No.4 as of the year 2005. On the other hand in respect of the person who were promoted to the post of Executive Engineers, C.P.W.D. from the post of Assistant Engineer, C.P.W.D. on seniority basis the notional seniority have been allowed with effect from the date from which the vacancies had been available to the appointment vide Office Order No.216/2001 dated 28.09.2001.



Photocopy of the Extract portion of the Office Order No. 216/2001 dated 28.09.2001 is annexed hereunto and marked as ANNEXURE-E.

Photocopy of the Office Memorandum No.29/1/2002-EC-III dated 04.06.2002 is annexed hereunto and marked as ANNEXURE-F.

4.10) That your Applicants beg to state that the General Secretary of the C.P.W.D. Association filed a Representation before the Authority concerned to grant notional seniority to the Assistant Engineer (Civil & Electrical) on the basis of year wise vacancies available to the appointment. The Office of the Respondent No.2 vide its Order No.29/7/2002-EC-III dated 04.09.2003 rejected the aforesaid claim. Being aggrieved by this one Shri Vijandar Singh & Others filed a Original Application No.2710 of 2003 before the Hon'ble the Central Administrative Tribunal, Principal Bench, New Delhi praying for notional seniority from the dates and the years in which vacancies against which the Applicants have been appointed were available and against which the Applicants are shown to have been appointed as Assistant Engineer, C.P.W.D. The Hon'ble Tribunal, Principal Bench, New Delhi allowed the aforesaid Original Application on 13.05.2004 and directed the Respondents to grant notional seniority to the Applicants from the dates and years when vacancies arose. Subsequently another Original Application No.1260/CH/2003 by Shri A. P. Garg & Others was filed before the Hon'ble Central Administrative Tribunal, Chandigarh Bench, Chandigarh. The Hon'ble Central Administrative Tribunal, Chandigarh Bench, Chandigarh by relying the Judgment & Order passed in Shri Vijandar Singh & Others (Supra) allowed the said Original Application and directed the Respondent to comply the same within three months from the date of receipt of the Order. It is to be stated that in spite of best effort the instant Applicants could not collect the clear copy of Judgment passed in Original Application No.1260/CH/2003 passed by the Hon'ble Central Administrative Tribunal, Chandigarh Bench, Chandigarh. This Hon'ble Tribunal may be pleased to direct the Registry of Hon'ble



Tribunal, Chandigarh Bench to provide the aforesaid copy of the Order if this Hon'ble Tribunal may deem fit and proper.

Photocopy of Order No.29/7/2002-EC-III dated 04.09.2003 is annexed hereunto and marked as ANNEXURE-G.

Photocopy of the Judgment & Order dated 13.05.2004 passed by the Hon'ble Tribunal, Principal Bench, New Delhi in O.A.No.2710/2003 is annexed hereunto and marked as ANNEXURE-H.

Photocopy of the Judgment & Order dated 29.06.2004 passed by the Hon'ble Tribunal, Chandigarh Bench, Chandigarh in O.A.No.1260/CH/2003 is annexed hereunto and marked as ANNEXURE-I.

4.11) That your Applicants beg to state that surprisingly the Respondent No.2 implemented the said Judgment & Order only to those persons who were parties in those cases. The Office of the Respondent No.2 vide its Office Order No.8/26/2005-EC-III dated 22/23.05.2006 conveyed that the notional seniority has been fixed to those only Assistant Engineer who were a parties in the case of Shri A. P. Garg & Others and the rest will remain same. However, the instant Applicants being similarly situated with those persons were not granted the said benefit. As such they filed various Representations through proper channel before the Office of the Respondent No.2 for the implementation of aforesaid Judgments & Orders to grant them notional seniority and consequential benefit thereupon in the post of Assistant Engineer. But the Respondent did not take any action in this regard till date. Hence finding no other alternative your Applicants are compelled to approach the Hon'ble Tribunal for seeking justice in to this matter.



Photocopy of the Office Order No.8/26/2005-EC-III dated 22/23.05.2006 is annexed hereunto and marked as ANNEXURE-J.

Photocopies of some of the Representations filed by the instant Applicants before the Respondent No.2 is annexed hereunto and marked as ANNEXURE-K to K....

4.12) That your Applicants beg to state and submit that the Hon'ble Central Administrative Tribunal, New Delhi in case of R. K. Nafaria - Vs-Union of India in O.A.No.605 of 1987 held that Applicant should be given notional promotion as Assistant Engineer in his turn in the penal against the reserved vacancies of each batch so reckoned. His date of actual promotion should be antedated to the date of notional promotion on the above basis with all consequential benefits including that of seniority in the cadre of Assistant Engineer and the said Application was allowed.

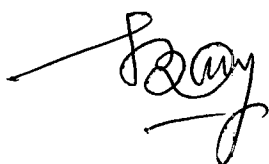
Photocopy of the Judgment & Order of Hon'ble Central Administrative Tribunal, New Delhi in R. K. Nafaria -Vs-Union of India in O.A.No.605 of 1987 is annexed hereunto and marked as ANNEXURE-L.

4.13) That your applicants submit that the Respondents have acted with a mala-fide intention only to deprive the applicants from their legitimate rights.

4.14) That your applicants submit that the action of the Respondents is highly illegal, improper, and whimsical and also against the fair play of administrative justice.

4.15) That your applicants submit that the Respondents have violated the fundamental rights of the Applicants.

4.16) That this application is filed bonafide and for the interest of justice.



5) **GROUND FOR RELIEF WITH LEGAL PROVISION:**

5.1) For that, due to the above reasons narrated in detail the action of the Respondents are in prima facie illegal, malafide, arbitrary and without jurisdiction.

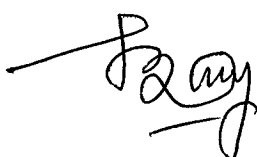
5.2) For that, the applicants are entitled for notional seniority with effect from the date of vacancies against which their appointments have shown in the office order dated 16-02-2001 declaring the result.

5.3) For that, the denial of notional seniority to the applicants in the post of Assistant Engineer is grossly illegal, arbitrary and discriminatory particularly similarly situated persons in the same department have been granted notional seniority by virtue of Hon'ble Tribunal's Order and Judgment. Moreover in the post of Executive Engineer CPWD have been assigned notional seniority in respect of the vacancies against which their appointments have been made without approaching any court of law.

5.4) For that, it is settled proportion of law that the same principle have been laid down in given cases, all other persons who are similarly situated should be granted the said benefits without requiring them to approach in the court of law.

5.5) For that, the applicants cannot be made to suffer the loss of notional seniority on account of unacceptable delay on the part of respondents in holding the examination required to be held under rules every year.

5.6) For that, the Hon'ble Tribunal Principle Bench, New Delhi and Hon'ble Tribunal, Chandigarh Bench has already delivered the judgments by granting notional seniority to other similarly situated persons.



5.7) For that, the action of the respondents is arbitrary, mala-fide and discriminatory with an ill motive.

5.8) For that the Respondents have violated the Article 14, 16 & 21 of the Fundamental rights guaranteed under the Constitution of India.

5.9) For that being a model employer the Respondents cannot deny the benefit of notional seniority to the instant Applicants. As such the Respondents should extend this benefit to the instant Applicants without approaching this Hon'ble Tribunal.

The Applicants craves leave of this Hon'ble Tribunal advance further grounds the time of hearing of this instant application.

6) DETAILS OF REMEDIES EXHAUSTED:

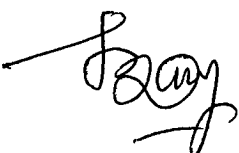
That there is no other alternative and efficacious and remedy available to the applicant except the invoking the jurisdiction of this Hon'ble Tribunal under Section 19 of the Administrative Tribunal Act, 1985.

7) MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT:

That the Applicants further declare that they have 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 Lordship may be pleased to admit this application, call for the records of the case, issue notices to the Respondents as to why the relief and relieves sought for the applicant may not be granted and after hearing the



parties may be pleased to direct the Respondents to give the following relieves.

8.1) That the Hon'ble Tribunal may be pleased to direct the Respondents to give notional seniority to the applicants from the date and year when vacancies of Assistant Engineers arose with all consequential benefits.

8.2) That the Hon'ble Tribunal may be pleased to direct the Respondent to allow seniority to the applicants, w.e.f. the dates and the years in which vacancies against the applicants have been appointed were available.

8.3) To Pass any other appropriate relief or relieves to which the applicants may be entitled and as may be deem fit and proper by the Hon'ble Tribunal.

8.4) To pay the cost of the application.

9) **INTERIM ORDER PRAYED FOR:**

At this stage applicant does not seek any interim relief but if the Hon'ble Tribunal may deem fit and proper may pass any appropriate order/orders.

10) Application is filed through Advocate.

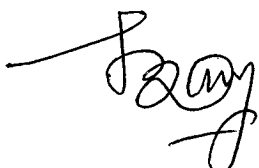
11) **Particulars of I.P.O.:**

I.P.O. No. 346651389
Date of Issue 26-2-2007
Issued from Guwahati GPO
Payable at Guwahati GPO

12) **LIST OF ENCLOSURES:**

As stated above.

Verification




V E R I F I C A T I O N

I, Shri Sashi Mohan Bangshiary, son of Shri Durgeswar Banghiary, aged about 43 years, Assistant Engineer (Civil), Office of the Guwahati Central Sub-Division-II, CPWD, Kotabari, Guwahati-35 and the Applicant No. 1 of the instant application. I am duly authorized by other Applicants to sign this verification on their behalf. I, do hereby solemnly verify that the statements made in paragraph nos. 4.1, 4.3

 are true to my knowledge, those made in paragraph nos. 4.2, 4.4 to 4.12 are being matters of records are true to my information derived there from which I believe to be true and those made in paragraph 5 are true to my legal advice and rests are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 19th day of March, 2007 at Guwahati.


...DECLARANT
Sashi Mohan Bangshiary

31
-14-
ANNEXURE-A

THE GAZETTE OF INDIA : JUNE 21, 1997/JYAISTHA 31, 1919

writing and in consultation with the Union public Service Commission relax any of the provisions of these rules with effect to any class or category of persons.

5. Saving - Nothing on them rules and direct reservations, relaxation of age limit and other concessions requirement to be provided for the Scheduled Castes, the Tribes, the ex-serviceman and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

SCHEDULE

Name of Post	Number of Post	Classification	Scale of Pay Rs.	Whether Selection or Non - Selection post
(1)	(2)	(3)	(4)	(5)
Assistant Engineers (Civil)	1768 (1997) Subject to variation dependent on work.	General Civil Service Group B Gazetted Non -Ministerial.	2000-69-2300 EB-75-32 -3200	Selection

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Age limit for direct recruits	Whether benefit of added years of service admissible	Education & other qualification required for direct recruits	Whether age & edu. quali. prescribed for direct recruits will apply in the case of promotees.	Period of Probation if any.
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(6)	(7)	(8)	(9)	(10)
Not applicable	Not applicable	Not applicable	Not applicable	Two years

Method of recruitment whether by direct recr- uitment or by deputation/ transfer and percentage of vacancies to be filled by various methods.	In case of recr- uitment by pro- motion/deputation /transfer grades from which pro- motion/deputation /transfer to be made.	If a Departmental Promotion Committee exists, what is its composition.	Circumstances in which Union Public Service Commission to be consulted in making recruit- ment.
--	--	--	---

(11)	(12)	(13)	(14)
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Promotion Fromotion:
(i) Fifty percent from
for Junior Engineers
(Civil) with eight
years regular ser-
vice in the grade
and

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(ii) Fifty percent be limited departmental competitive examination to be conducted by the Central Public Works Department Training Institute, any other Institute duly recognised by the Central Government, the Central Government (illeg.)

Group B Departmental Promotion Committee (for promotion) :

1. Additional Director General Works, Central Public Works Department - Chairman.
2. Chief Engineer, Central Public Works Department - Member.
3. Director of Administration, Directorate Central of Works, Central Public Works Department - Member.

Consultation with Union Public Service Commission not necessary.

[No. 30/2/93-EC.I/EW.I]
S.K. Bhatnagar, Under Secy.

1994
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ANNEXURE - B

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA NO. 2239/1998
with
OA 2526/1998

New Delhi this 15th day of February, 1999

Hon'ble Shri T.N.Bhat, Member (J)
Hon'ble Shri S.P.Biswas, Member (A)

OA 2239/98

1. Kamal Kishore Joshi
99/3, NW Moti Bagh, New Delhi
2. Navin Chandra Saxena,
D/733, Sarojini Nagar, New Delhi
3. Anil Kumar Mutreja,
C-5/147, Keshavpuram, Delhi. ..Applicant

(By Advocate Shri G.K.Aggarwal)

OA 2526/98

1. Sudama Prasad Sharma,
15/283, Lodi Colony, New Delhi
2. D.K.Yadav
44/A-A, Sector DIZ Area, New Delhi
3. Santosh Shukla,
A-228, Kidwai Nagar (E), New Delhi
4. Puran Singh
E-158, Sarojini Nagar, New Delhi ...Applicants

(By Advocate Shri Vijay K.Jain)

versus

Union of India through

1. Secretary
M/Urban Affairs,
Nirman Bhavan, New Delhi.
2. Director General
CPWD, New Delhi.
3. Chief Engineer (Training)
CPWD, New Delhi ..Respondents

(By Advocate Shri A.K.Bhardwaj)

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ORDER

Hon'ble Shri S.P. Bhowas

1. The legal issues raised, Background facts and the main reliefs sought for being common in these two OAs they are being disposed of by a common order. A brief description of antecedent facts would be essential for the purpose of appreciation of the legal issues involved. These are as follows:
2. Applicants in both the OAs, are Junior Engineers (JEa for short) having put in over 15-20 years of service in the Civil and Electrical Departments of Central Public Works Department (CPWD for short) Government of India. Promotion to the next higher grade of Assistant Engineer (AE for short) is governed by 1954 Rules for Vacancies arising upto 21.6.97 and by 1997-Rules for vacancies occurring thereafter but both under the proviso to Article 309 of the Constitution 60th these Rules provide that 50% of vacancies in AEs are to be filled up through Department Promotion Committee (DPC for short) on merit-cum-seniority basis and 50% through Limited Departmental Competitive Examination (LDCE for short). For those seeking promotion to the grade of AEs under DPC quota, minimum length of regular service as JE (Civil or Electrical) for 8 years is required. While for LDCE the requirement is four years. Prior to 18.6.97 that is when the new R/Rs came into existence. LDCEs were being conducted by Union Public Service Commission (UPSC for short) and thereafter it is proceeded to be

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organised by CPWD itself. Not case dated 16.9.98 and 8.10.98, as at A-1 and A-2 respectively, have been given for holding LDCE-1999 on 21.2.99 to fill up 391 posts of AEs. The last LDCE was conducted by UPSC in 1992. In other words, LDCE-1999 is intended to cover vacancies arising during the period 1.4.93 to 31.3.99. Respondents have arrived at the figures of 391 for the present LDCE on the basis of 50% of the total number of vacancies that occurred during the above period. Applicants in OA 2526 are challenging Recruitment Rules of the Ministry of Urban Affairs & Employment and CPWD Central Civil Engineer Group B Service 1997. Ministry of Urban Affairs & Employment and CPWD Electrical Engineer Group B Service R/Rs-1997 and CPWD-Department of Training's Notice dated 16.9.98 for LDCE-1999 as well as public notice dated 6.10.98 issued pursuant to framing of new R/Rs as aforesaid, whereas the applicants in OA 2239/98 have sought for quashing only A1 and A2 notices dated 16.9.1998 and 5.10.1998.

OA 2239/98

3. The applicants' case is that the number (either for LDCE category or for the DPC category) should be equal to the number of vacancies arising due to permanent exit of those AEs who were promoted from JEs to AEs through LDCEs only plus 50% of the newly created posts other than cadre review posts. It is apparent that exit of promoted JEs as compared to the officials coming from

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LDCE is much higher. Accordingly, if the quota rule is not adhered to service cadre of JE in due course of time would be filled up by candidates coming through the route of LDCE and would thus not only lead to stagnation but would also disturb the existing provision of 1:1 ratio between the two groups of employees for the purpose of Promotion to the grade of AEs. Therefore, if 50% of (AEs (C) through LDCE plus AEs (C) through DPC) is given to LDCE, there will be progressive reduction of DPC promotee AEs (c) leading to distortion of 1:1 ratio between LDCE and DPC promotees prescribed in the Rules.

4. Applicants would argue that vacancies arising from existing DPC promotees ought to be filled through DPC and those arising from permanent exit of LDCE-promotees to filled up through LDCE and this proposition is well supported by the judgment of Supreme Court in the case of Govt. of AP etc. B. Bate Musalaiah etc JT 1995 (1) SC 20.

5. There were no vacancies in AEs (C) grade during April, 93 to March, 99 due to permanent exit of LDCE promotees. Therefore, there is no LDCE vacancy available to be filled up through examination proposed to be held. All these 391 AE(C) vacancies are to be filled up through DPC.

6. Respondents have wrongly clubbed vacancies for the entire period between 1.4.93 to 31.3.99 to be filled up

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by means of LDCE-1999 to be held on 21.2.99. Such an attempt would only enable those ineligible to sit for LDCE for the period 1993-98 and to compete for the vacancies arising during that period Articles 14 and 16 of the Constitution of India are thus violated by treating unequals as equals. On the analogy that if DPCs did not meet during 1993-98, the next DPC is required to prepare year-wise panel based on year-wise vacancies and eligibility. Similar procedure was required to be followed for LDCE in the instant case DPC vacancies continued to get filled up during 1993-98 even though no LDCE was conducted after 1992 Applicants would have faced less competition if there were yearwise LDCEs.

OA 2526/98

7. In this OA applicants have assailed the new R/Rs 1997 as aforesaid. While doing so Shri V.K.Jain learned Counsel for applicants sought to draw strength from the decisions of the Supreme Court in a long chain cases. Those case-laws as well as the specific paras of the Apex Court cases to which Sri Jain drew our attention are enumerated below:

- (i) A.K.Subramani & Ors. v. UOI & Ors. AIR 1975 SC 483- Details, particularly in paras 20 and 28, were brought out for sharp focus.
- (ii) Jagmal Singh Yadav Vs.M.Ramayya & Ors.

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AIR 1977 SC 1974- Main emphasis was in respect of the views expressed by their Lordships in para 34 of this case.

(iii) P.S.Mahal & Ors. Vs. UOI & Ors. AIR 1984 SC 129-Details in paras 32 and 36 were highlighted.

(iv) R.L.Bansal & Ors. Vs. UOI & Ors. AIR 1993 SC 978-Paras 8,9,13, 16 and 24 were quoted.

Learned counsel for the applicants also drew attention to GSB 169 amending 1954-Rules drilled "Central Engineering Service Class II R/Rs.-1976." Their Lordships in that case held that the amendment carried out in some of these cases have been done in a haste and without proper scrutiny. It is evidence from the fact that only Rule 24 was amended without corresponding amendment of other rules in 1954-Rules.

8. Learned counsel argued that (illeg.) warnings given by their Lordships of the Apex Court in a series of judgments, as mentioned aforesaid in chronological order, did not have any impact on the respondents in framing appropriate R/Rs. present RRs of 1997 are in no way exceptions terms of bring a quitus in the matter. The learned counsel can be conducted only after arriving at the accurate total number of vacancies available at any given point of time because 50% must go to JEs with 8 years regular service in the grade. Respondents have

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not carried out such an exercise before issuing notices for the examination.

9. Besides assailing the new R/Rs on the basis as aforementioned, learned counsel has also pressed in similar arguments. On the lines of Shri G.K. Aggarwal, Learned counsel in OA 239/98, for the purpose of challenging the validity of the notifications from holding the examination on 21.2.1999.

10. Shri A.K. Bhardwaj, Learned counsel for the respondents vehemently opposed the reliefs claimed in both the OAs. It has been submitted that as per applicants' own admission quota prescribed for both the methods is the same is 1954 well 1997-Rules. So, at their young age at the initial stage, applicants have had a chance to qualify in LDCE for promotion to AEs(C) against 50% quota. If they had failed in doing so they cannot complain against the said R/Rs at this stage. That apart, with the prevailing methods operating available since 1954, the OAs of the applicants in challenging the same now are barred by limitation.

11. We also find that none of the applicants have come out with the details as to how their interests individually are likely to get affected by the proposed LDCE to be held on 21.2.99. As per Rules JEAs with 4 years service in the grade are eligible to appear in the LDCE whether elder or young. The applicants seek to

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frame out two different categories among the JEs one with lesser and another with longer experience. The rules do not prohibit a JE with long service to appear in the tests which are in vogue since 1954. In fact, all of them have additional opportunities to appear in the LDCEs alongwith others (against 50% vacancies) as well as are eligible to be considered by DPCs for their promotion on the basis of seniority-cum-merit.

It is well settled in law that administrative authorities are fully empowered to lay down R/Rs in the interest of efficiency of service. The present OAs appear to have been filed by such officials who apparently could not get through the LDCEs held earlier for promotion to AEs and they are now pressing for promotion through the corridors of DPC only which, if allowed, would only denigrate the efficiency of engineering service. This is not the first time that LDCE is being held after a long gap. After 1979, this exam was held in 1982. In 1983 then in 1989 and 1992. We cannot also doubt that the department is incapable of holding the LDCE since it is already holding examinations for recruitment of JEs on All-India basis as also departmental examination for AEs and EEs. Director General of Works has a Training Institute which is full competent to conduct the LDCEs and is the notified authority for conducting the said examination as per R/Rs. We also find that in both the R/Rs of 1954 and 1997, the posts of AEs (C) and AEs(E) are being filled up 50% by LDCE and 50%

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by DPC. The principle of holding DPC is also applicable to vacancies which would occur during a particular year by way of new creation/retirement/death/promotion irrespective of the fact that by whom the posts are vacated i.e. whether by promotee quota AEs or by LDCE-quota AEs. The records have been brought before us to show that the percentage prescribed for each quota is not being followed in the present case, due to non-conducting of LDCE after 1992, 50% quota for LDCE has got accumulated. ✓
Vacancies proposed to be filled up by LDCE on 21.2.99 are those that got accumulated since long and include earlier backlogs. Even the four major grounds on the basis of which learned counsel for the applicants in OA 2526/98 have challenged the new R/Rs-1997 do not vitiate the legality of the new rules framed. They only point out to the need for taking a few additional administrative remedial steps in terms of type of appointment that ✓
could be covered by such examination strengthening infrastructure for holding such examination and ensuring proper determination of vacancies for each group. On ✓
these pleas we can ill afford to set aside the Rules framed in 1997. Any order to stall the process of the proposed examination will only mean putting the clock backwards in terms of the interests of not only junior JEs but also for some senior JEs who may be willing to sit for the same. It is also not possible to rule out that some of the senior JEs could come out successful in such examination as well. In such a situation, the ✓
only justifiable course of action would be ensure that

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proposed examination does not result in providing undue benefits to very Junior JEs by means of tilting the position of seniority against rules. We mention this because there may be persons now appearing in the examination 1999 who may have joined the department in 1994 and if he qualifies and obtains a high ranking in the merit he may be appointed for a vacancy for the post of JE which occurred in 1993 i.e. the vacancy when he did not even join the department even as JL. Such a situation would be only arbitrary and irrational. We are required to avoid such situation and the respondents are aware of such a position and have also come out with reasonable steps as in para 8 of the reply statement dated 22.1.1999 in OA 2239/98.

13. In the light of the detailed discussions aforesaid and in the interest of justice and fair play, we do not think it appropriate to apply broken on the wheels of the proposed selection process. For this reason, the OAs deserves to be dismissed and we do so accordingly. However, to take care of some of the reasonable apprehensions to the applicants, it would be appropriate that while conducting the present selection and finalising the process thereof, respondents shall take precautions in terms of the following:

- (1) Segregate both vacancies and eligibility year-wise. This is to ensure that an employees after having qualified in the examination does

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not get the benefit of seniority against the year when he was not even eligible for the same:

(ii) existing rules for filling up the posts meant for reserved category candidates shall be adhered to as prescribed by the DoPT in its OM dated 2.7.97, while communicating vacancies of 391 JEs, respondents have only indicated that the percentage of reservation for SC/ST will be indicated only later on. Since reservation in promotion in such cases are to be ensured as per law laid down, respondents shall strictly follow instructions for maintaining the roster and running account register to look after the interests of backward classes.

(iii) Vacancies of 391 shall be recalculated to ensure that 1:1 ratio between the two groups for the years from 1993 to 1999 have not been tilted to unduly favour one of the two contending groups.

(iv) We are also inclined to agree with the respondents' submission that "present practice or keeping vacant slots for being filled up by direct recruitment of later years thereby giving them unintended seniority over pro-

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motees who are already in position could be dispensed with. The above precaut one shall be taken before finalising the present selection process on hand.

14. For similar examinations to be held in future respondents shall also consider (1) the possible of strictly maintaining 1:1 ratio year-wise between DPC and LDCE candidates making them widely known through departmental notice boards: any feasibility of ensuring that the posts falling vacant caused by DPC-promotees could be filled through DPC candidates and those caused by LDCE promotes could be filled through examination and (iii) for making 1:1 ratio for the newly created posts as mandatory.

15. OA is disposed of as aforesaid at the admission stage.

Sd/-
(S.P. Biswas)
Member (A)

Sd/-
(T.N. Bhat)
Member (J)

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ASSISTANT ENGINEER (CPWD) LIMITED DEPARTMENT COMPETITIVE EXAMINATION, 1999

A Limited Departmental Competitive Examination for filling up of vacancies of Assistant Engineer (Civil) and Assistant Engineer (Electrical) in the CPWD will be held by the Chief Engineer Training CPWD on 21st February, 1999. Certain categories of departmental candidates only who are employed as Junior Engineers (Civil/Electrical) in the CPWD are eligible to apply for the examination.

Details and forms would be available from undermentioned Offices from 20th October, 1998:-

REGION	APPROPRIATE CHIEF ENGINEER
All Offices of Zones in New Delhi, Delhi Offices under Northern Region, PWD/NCTD. O/o C.E(AA), Lucknow O/o Chief Engineer (Environment & Forests)	CHIEF ENGINEER (NDZ)-II NEW DELHI
All Offices of Zones in Southern Region, O/o C.E (Valuation), Chennai, U/o CE (AA) Chennai, O/o CE (AA) Bangalore, O/o CE (Environment & Forests).	CHIEF ENGINEER (SZ)-I, CHENNAI
All Offices of Zones in Western Region, O/o CE (AA), Mumbai, O/o CE(AA) Ahmedabad: O/o C.E.(Environment & Forests)	CHIEF ENGINEER (EZ)-I, CALCUTTA
All Offices of Zone in Eastern Region, other than CE (NEZ), Shillong; Offices of Zones at Siliguri: O/o CE(AA), Calcutta	CHIEF ENGINEER (EZ)-I CALCUTTA
Office of CE (NEZ), Shillong; Junior Engineers of the Offices of CE (Elect.) / E.Z.; C.E. (I.B.B. Zone); C.E. (I.B.B. Maintenance) working in North Eastern States	CHIEF ENGINEER (NEZ) S.E., Assam Central Circle-I, CPWD, Bamuni Maidan, GUWAHATI-781021

Junior Engineers of the Central P.WD., who are on approved deputation to ex-cadre posts may obtain application forms from appropriate Chief Engineer of the Region where they are posted.

CLOSING DATE: Monday, 30th November, 1998 (Monday 7th December, 1998, for candidates residing in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Thoura, Sikkim, Ladakh Divisions of J & K State, Spiti District ad Pangi Sub Division of Chamba District of Himachal Pradesh. Andaman & Nicobar Islands or Lakshadweep and for candidates residing abroad from a date prior to 30th November, 1998 and whose application are received by post from one of the areas mentioned above.

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CPWD TRAINING INSTITUTE
E-WING, NIRMAL BHAVAN
NEW DELHI 110 011

NOTICE

ASSISTANT ENGINEER (CPWD) LIMITED DEPARTMENTAL COMPETITIVE EXAMINATION 1999

New Delhi, the 16th Sept., 1998

F.NO. SE(T)-I/Jes/Deptt.Exam: A Limited Departmental Competitive Examination for promotion of Junior Engineers (Civil/Electrical) to the Assistant Engineers Grade (Civil/Electrical) in the Central P.W.D. will be held by the CPWD Training Institute on 21st February, 1999 at Calcutta, Chennai, Delhi, Dispur (Guwahati), Mumbai in accordance with the Recruitment Rules published in the Gazette of India, dated 21st June, 1997.

THE CENTRES AND THE DATE OF HOLDING THE EXAMINATION AS MENTIONED ABOVE ARE LIABLE TO BE CHANGED AT THE DISCRETION OF THE CHIEF ENGINEER (TRAINING). WHILE EVERY EFFORT WILL BE MADE TO ALLOT THE CANDIDATES TO THE CENTRE OF THEIR CHOICE FOR EXAMINATION, THE CHIEF ENGINEER (TRAINING) MAY, AT HIS DISCRETION, ALLOT A DIFFERENT CENTRE TO A CANDIDATE WHEN CIRCUMSTANCES SO WARRANT. CANDIDATES ADMITTED TO THE EXAMINATION WILL BE INFORMED OF THE TIME TABLE AND PLACE OR PLACES OF EXAMINATION (See Annexure - Instruction to Candidates Para 7).

2. The approximate number of vacancies to be filled on the results of the examination is as follows :-
- (i) Assistant Engineer (Civil) -391 (including the vacancies reserved for Scheduled Caste and Scheduled Tribes candidates as per the rules.)
 - (ii) Assistant Engineer (Electrical) -68 (including the vacancies reserved for Scheduled Castes and Scheduled Tribe candidates as per rules.)

The above numbers are liable to alteration.

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N.B. - Candidates should indicate clearly in their application the Grade i.e. Assistant Engineer (Civil) or Assistant Engineer (Electrical) for which they wish to compete.

3. A candidate seeking admission to the examination must apply to the Chief Engineer (Training), CPWD, on the prescribed form of application. The prescribed form of application and full particulars of the examination are obtainable from the Appropriate Chief Engineer as given below in Table I:-

TABLE I - List of Appropriate Chief Engineers

REGION	APPROPRIATE CHIEF ENGINEER
All Offices of Zones in New Delhi, Delhi, Offices under Northern Region, PWD/NCTD, o/o CE(Valuation) Delhi, o/o CE/AA Delhi, o/o CE(AA) Lucknow, o/o Chief Engineer(Env. & Forests)	CHIEF ENGINEER(NDZ-II), New Delhi
All Offices of Zones in Southern Region, o/o CE(Valuation) Chennai, o/o CE(AA) Chennai, o/o CE(AA) Bangalore, o/o CE (Env. & Forests).	CHIEF ENGINEER (SZ-I), Chennai
All Offices of Zones in Western Region, o/o CE(AA) Mumbai, o/o CE(AA) Ahmedabad, o/o CE(Env. & Forests).	CHIEF ENGINEER(WZ-I), Mumbai
All Offices of Zones in Eastern Region other than CE(NEZ), Shillong, Offices of Zones at Silliguri, o/o CE(AA) Calcutta,	CHIEF ENGINEER(EZ-I), Calcutta
Office of CE(NEZ), Shillong ; Junior Engineers of the Offices of CE(Elect.)EZ, C.E.(IBB Zone), CE(IBB Maintenance) working in North Eastern States.	CHIEF ENGINEER(NEZ), C/o S.E. Assam Central Circle -I, CPWD Bamuni Maidan GUWAHATI - 781021.

NOTE: Candidates are warned that they must submit their applications on the printed form prescribed for the Assistant Engineer (CPWD) Limited Departmental Competitive Examination 1999. Applications on forms other than the one prescribed for the Assistant Engineer (CPWD) Limited Departmental Competitive Examination, 1999 will not be entertained.

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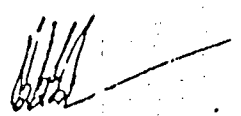
4. Closing Date: The completed application form must reach the Section Officer, Examination Cell under Chief Engineer (Training), CPWD, Room No.329 'A' Wing, Nirman Bhawan, New Delhi-110 011 Monday, 30th November, 1998 (Monday, 7th December, 1998 for candidates residing in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim, Ladakh Division of J&K State, Lahaul & Spiti District and Pangi Sub Division of Chamba District of Himachal Pradesh, Andaman & Nicobar Islands or Lakshadweep and for candidates residing abroad from a date prior to 30th November, 1998, and whose applications are received by post from one of the areas mentioned above).

Application received after 30.11.98 will not be considered.

A candidate residing in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim, Ladakh Division of J&K State, Lahaul & Spiti District and Pangi sub-Division of Chamba District of Himachal Pradesh, Andaman and Nicobar Islands or Lakshadweep and a candidate residing abroad may at the discretion of the Chief Engineer (Training) be required to furnish documentary evidence to show that he was residing in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim, Ladakh Division of J&K State, Lahaul & Spiti District and Pangi sub-Division of Chamba District of Himachal Pradesh, Andaman and Nicobar Islands or Lakshadweep or abroad from a date prior to 30th November, 1998.

Note: Candidates who are from areas entitled to additional time for submission of applications should also clearly indicate in their addresses in the relevant Column of the application the name of the particular area or region entitled to additional time (e.g. Assam, Meghalaya, Ladakh Division of J&K State etc) otherwise they may not get the benefit of additional time.

**APPLICATION NOT COMPLYING WITH THE ABOVE
REQUIREMENT WILL BE SUMMARILY REJECTED.**


(B.B. SINGH)
Deputy Director Adminis
for Chief Engineer (Trg.).

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DIRECTORATE GENERAL OF WORKS
CENTRAL PUBLIC WORKS DEPARTMENT
TRAINING INSTITUTE GHAZIABAD

No. SE (DIT)/SE/DCP. Secy/1871/710

Dated: 16-02-01

Assistant Engineer (CPWD) Limited Departmental Competitive Examination -1999

Based on the Limited Departmental Competitive Examination held by the CPWD Training Institute for the posts of Assistant Engineer (Civil) and Assistant Engineer (Electrical) in February 1999, the instructions of Principal Bench CAT Delhi issued in OA Number 2239/1998 with OA No 2528/1998 on 15th Feb 1999 the guidelines issued by the DOPT with their O.M. dated 2-7-97 for filling up of vacancies of SC & ST candidates, and year wise eligibility for promotion, following candidates have been found eligible for consideration for promotion against the year wise vacancies of AE (Civil) for the year 1994-95 to 1998-99 and AE (Electrical) for the year 1993-1994 to 1998-1999.

Eligible candidates for AE (Civil)

S.no	NAME	DATE OF BIRTH	ROLLNUMBER	DATE OF JOINING	CATEGORY	TOTAL MARKS
For the year 1994-95						
✓ 1	S.C. MEENA	5/1/67	DEL/0555/C	08-Nov-89	ST	441
✓ 2	K.A. MEENA	11/11/67	DEL/0517/C	21-Nov-89	ST	377
✓ 3	HIHOR KESHAVBHAI	6/1/66	MUM/0035/C	05-Oct-89	ST	375
✓ 4	RAM CHARAN MEENA	4/8/67	DEL/0426/C	04-Jun-90	ST	371
✓ 5	R.S. MEENA	8/1/66	DEL/0085/C	09-Nov-89	ST	369
✓ 6	NARAYAN BHAI PATELIA	6/1/67	MUM/0004/C	29-Sep-89	ST	362
✓ 7	H.S. HADAOO	10/27/64	DEL/0463/C	16-Oct-89	ST	357
✓ 8	MAKKHAN LAL MEENA	7/15/65	DEL/1337/C	05-Jan-90	ST	355
✓ 9	RAM GOPAL MEENA	9/1/63	DEL/0278/C	08-Jun-90	ST	348
✓ 10	SARDAR SINGH	8/10/66	DEL/0544/C	02-Feb-90	ST	341
✓ 11	R.G. NINAWA	6/28/66	DEL/0453/C	18-Oct-89	ST	334
✓ 12	CHHUTTAN LAL MEENA	8/9/65	DEL/0268/C	23-Nov-89	ST	329
✓ 13	V. TARA SINGH	4/30/69	CHE/0053/C	27-Oct-89	ST	308
✓ 14	MANOHAR LAL TABIYAD	11/25/67	MUM/0036/C	23-Oct-89	ST	302
✓ 15	DEVI SHANKER	12/25/68	DEL/0501/C	21-Feb-90	ST	289
✓ 16	ASHWATHIAH R.N.	4/11/69	MUM/0053/C	15-Nov-89	ST	279
✓ 17	SRI HEMEN CHANDRA RABHA	8/1/64	GUW/0011/C	15-Sep-89	ST	277
✓ 18	SUNDER LAL	7/3/65	DEL/0684/C	19-Mar-90	ST	259
✓ 19	J.K. MEENA	8/12/67	DEL/0542/C	27-Nov-89	ST	252
✓ 20	JOY BELKHAS KUJUR	6/16/66	DEL/0024/C	15-Jan-90	ST	247
✓ 21	OM NARAYAN	8/1/61	DEL/0713/C	22-May-90	ST	247
✓ 22	ANIL CHANDRA MITRA	12/31/60	DEL/0074/C	09-Feb-87	ST	239

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Eligible candidates for AE(Electrical)

E.NO	NAME	DATE OF BIRTH	ROLLNUMBER	DATE OF JOINING	CAT	TOTAL
For the year 1993-94						
1	VIJAY KUMAR SHARMA	3/3/60	DEL/0051/E	7-Aug-81	OC	513
2	I. SRINIVASA NAIK	3/5/66	CHE/0058/E	15-Oct-85	OC	494
3	PRITAM SINGH	7/8/56	DEL/0102/E	3-Jul-81	OC	493
4	R.D. SHAJIL KUMAR	6/10/62	CHE/0033/E	15-Jan-85	OC	491
5	V.V. SATYA SURYA PRAKASH	12/11/58	CHE/0079/E	20-Jan-79	OC	490
6	DHARMENDER KUMAR KALRA	7/22/64	DEL/0053/E	8-Oct-85	OC	489
7	SUSANTA BANDYOPADHYAY	3/8/61	DEL/0252/E	17-Feb-87	OC	486
8	JAYARAJAN.S	1/5/61	CHE/0091/E	7-Dec-83	OC	467
9	SUDHIR KUMAR DIXIT	10/1/57	DEL/0046/E	11-Feb-81	OC	465
10	SATYA PRAKASH SHARMA	7/20/62	DEL/0246/E	12-Aug-85	OC	464
11	ANIL KUMAR SAXENA	6/16/58	DEL/0293/E	28-Jan-80	OC	462
12	M. VENKATESHWAR RAO	1/15/57	CHE/0089/E	7-Mar-77	OC	457
13	ASHOK KUMAR KARATI	7/15/59	DEL/0130/E	8-Mar-82	ST	295
14	DIKEN CHANDRA BORO	7/28/65	GUW/0004/E	24-May-88	ST	257
15	SARODE RANJAN KUMAR KRISHNARAO	10/10/61	MUM/0021/E	13-Feb-89	ST	255
16	RAMESH MADHAORAO BARAPATRE	8/8/61	DEL/0205/E	7-Feb-89	ST	207
17	L. SATYA NARAYANA RAO	3/4/58	MUM/0061/E	23-Mar-89	ST	201
18	DEBASHIS BARUA	6/2/61	CAL/0050/E	30-Oct-86	ST	188
19	SHRI MOHAR MEENA	7/5/63	DEL/0141/E	29-Nov-88	ST	128
For the year 94-95						
20	AJAY KUMAR CHADHA	8/25/68	DEL/0022/E	9-Jan-90	OC	473
21	VIRENDRA SINGH CHAUHAN	1/5/60	DEL/0255/E	16-Apr-84	OC	454
22	SANJEEV AGGARWAL	11/15/68	DEL/0277/E	23-Aug-90	OC	453
23	HEM PRAKASH SHARMA	8/24/65	DEL/0019/E	13-Mar-89	OC	451
24	SATISH KUMAR	3/7/57	DEL/0072/E	15-Feb-80	OC	449
25	T.S. JANARDHANAN	3/10/64	CHE/0053/E	30-May-86	OC	449
26	ANANDRAO TANBA KUMEHALKAR	9/22/53	MUM/0010/E	5-Aug-76	OC	446
27	AJOY KUMAR	11/21/64	DEL/0285/E	1-Jun-88	OC	444
28	BALAKRISHNAN C.A.	9/12/55	CAL/0047/E	15-Nov-79	OC	443
29	V.J. WILSON	4/17/56	CHE/0067/E	27-Mar-80	OC	441
30	VISHESH SWAMIWAL	5/10/68	DEL/0134/E	15-Jan-90	OC	441
31	SUSHIL KUMAR SHARMA	9/9/57	DEL/0471/E	25-Feb-77	OC	440
32	S. THIRUNAVUKKARASU	1/2/61	CHE/0083/E	10-Feb-81	OC	438
33	INDRAJIT SINHA	12/17/59	GUW/0002/E	6-Jun-81	OC	438
34	CHANDEKAR AJAY RAMKRISHNA	7/2/67	MUM/0007/E	4-Nov-89	ST	407
35	ASHOK KUMAR MEENA	7/3/64	DEL/0123/E	6-Feb-90	ST	356

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36	CHAMAN LAL	2/10/68	DEL/0300/E	19-Dec-89	ST	318
37	M.G. MALLIKARJUN	7/23/64	CHE/0077/E	9-Nov-89	ST	292
38	KANHAIYA SAH	5/12/66	DEL/0271/E	20-Oct-89	ST	292

For the year 95-96

39	MANOJ KUMAR	1/31/66	DEL/0061/E	28-Jun-91	OC	489
40	SANJAY KUMAR	7/1/69	DEL/0003/E	27-May-91	OC	408
41	PARMATMA PRASAD UPADHYAY	7/1/55	DEL/0048/E	19-Dec-79	OC	435
42	THOMAS K.A.	8/12/56	CHE/0051/E	13-Feb-80	OC	433
43	GOKAVARAPU NIGA PRASAD	6/4/69	DEL/0287/E	26-Dec-90	OC	426
44	YOGENDER KUMAR TOMER	9/1/68	DEL/0014/E	10-Jul-90	OC	425
45	OMVEER SHARMA GAUR	8/11/56	DEL/0207/E	25-Jul-78	OC	423
46	ANIRBAN PANDA	6/4/68	DEL/0297/E	3-Jun-91	OC	423
47	S.GUNASEKARAN	6/9/59	CHE/0031/E	19-Nov-79	OC	420
48	ABHIJIT KUMAR MISHRA	5/24/66	GUW/0006/E	18-Jan-90	OC	420
49	RAM JANM RAM	2/2/59	DEL/0379/E	4-May-84	OC	417
50	SANJAY JAIN	10/4/66	DEL/0068/E	27-Feb-89	OC	417
51	UMESH KUMAR GOEL	5/6/61	DEL/0230/E	29-Jan-82	OC	416
52	NARINDER KUMAR	6/20/55	DEL/0266/E	24-Jul-78	OC	415
53	RABINDRA NATH KUNDU	1/6/63	CAL/0045/E	16-Feb-89	OC	415
54	ANIL KUMAR SHARMA	7/9/60	DEL/0263/E	13-Mar-81	OC	412
55	PRAKASH L. GEHANI	11/22/61	DEL/0140/E	18-Jul-85	OC	411
56	KRISHAN CHANDER VERMA	7/7/56	DEL/0050/E	28-Jul-78	OC	410
57	RAM MURTI PRAJAPATI	12/1/60	DEL/0288/E	26-Dec-85	OC	410
58	MANAS KUMAR PAL	1/3/57	CHE/0071/E	21-Dec-81	OC	409
59	MANOJ KUMAR GUPTA	1/29/61	DEL/0248/E	18-Feb-82	OC	408
60	BOLLIMUNTHA SATYANARAYANA	1/15/63	CHE/0036/E	23-Mar-82	OC	408
61	PRASUN GHOSH	2/3/65	CAL/0076/E	9-Jan-90	OC	408
62	SANJAY MEHTA	12/22/68	DEL/0104/E	30-Jan-90	OC	407
63	PRABIR KUMAR RAY	1/28/60	CAL/0025/E	13-Feb-81	SC	406
64	JAYA PRAKASH	6/15/59	CHE/0007/E	18-Mar-81	OC	406
65	RAJ NARAYAN SINGH YADAV	1/1/59	DEL/0011/E	24-Mar-81	OC	406
66	MURLI DHAR	2/15/66	DEL/0226/E	11-Apr-88	OC	404
67	MAHAVIR PANDIT	7/9/66	DEL/0060/E	6-Jul-91	OC	404
68	SUBRATA BARMAN	12/31/66	DEL/0268/E	29-Nov-89	ST	290
69	VARSHA YOGESH HOSHING	7/25/66	MUM/0008/E	9-Jul-91	ST	268

For the year 96-97

70	RAJAN. A	5/3/52	CHE/0072/E	11-Aug-76	OC	403
71	SANJAY KUMAR	12/13/65	DEL/0258/E	22-Jan-90	OC	403
72	ARVIND KUMAR NAGPAL	7/29/59	DEL/0043/E	6-Mar-81	OC	401
73	R. PALANICHAMY	5/15/60	CHE/0090/E	10-Nov-85	OC	401
74	VINAY KUMAR JAIN	9/15/59	DEL/0231/E	12-Feb-81	OC	400
75	MUKESH KUMAR	8/5/58	DEL/0059/E	12-Mar-81	OC	400
76	S.V. AVADAIAPPAN	7/5/56	CHE/0015/E	22-Mar-77	OC	399
77	JACOB CHACKO	5/25/66	DEL/0403/E	9-Apr-91	OC	399
78	AMRIT PAL	1/10/60	DEL/0126/E	4-Aug-81	OC	397
79	NAND KISHORE SHARMA	10/16/55	DEL/0138/E	8-Nov-79	OC	396
80	PREM PAL SINGH	12/8/58	DEL/0124/E	13-Apr-81	OC	396
81	T.L. VARGHESE	1/17/60	CHE/0037/E	13-Feb-80	OC	395

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307	M.M.MITTAL	7/20/66	DEL/0450/C	03-Jun-91	OC	463
308	ANIL KUMAR SRIVASTAVA	10/10/58	DEL/0254/C	29-Oct-79	OC	462
309	ASHOK KUMAR KALIA	4/23/60	DEL/0942/C	05-Feb-80	OC	462
310	SHRI RAM SIROTHIA	9/30/63	DEL/0927/C	19-Sep-85	OC	461
311	KONAMANETI SREENIVASA REDDY	8/30/63	CHE/0134/C	17-Mar-86	OC	461
312	S.K.BISWAS	1/6/61	DEL/0241/C	16-Mar-82	OC	460
313	V.C. BASHEER	5/15/66	CHE/0199/C	14-Feb-86	OC	460
314	VIJAY KUMAR GANGWAL	8/15/68	DEL/1338/C	18-Sep-91	SC	425
315	DHARM DAS BUNKER	8/1/62	DEL/1313/C	13-Sep-91	SC	393
316	UJJWAL KUMAR NAYEK	3/8/65	MUM/0062/C	22-Aug-92	SC	352
317	DININDER JIT PAL	8/27/64	DEL/1040/C	30-Jan-90	SC	351
318	SATISHKUMAR SUKHADEORAO BHAGAT	8/12/68	MUM/0122/C	31-May-91	SC	351
319	ASIT KUMAR ROY	12/10/64	CAL/0096/C	18-Sep-89	SC	349
320	RAJINDER KUMAR MATTU	3/20/68	DEL/1183/C	29-Sep-89	SC	349
321	SURESH PAL	4/15/66	DEL/0164/C	06-Mar-89	SC	343
322	DAULAT RAM	8/25/66	DEL/0145/C	25-Apr-91	SC	343
323	BIKASH KUMAR DAS	11/20/64	CAL/0149/C	05-Jul-91	SC	337
324	BASAVARAJ MANIKAPPA	11/18/69	MUM/0002/C	24-Jul-92	ST	310
325	R. GOVINDAPPA	6/1/66	CHE/0068/C	24-Jul-92	ST	261
326	B.L.MEENA	11/28/61	DEL/0576/C	01-Nov-91	ST	256
327	L.R.MEENA	3/4/66	DEL/0557/C	09-Sep-91	ST	222
328	SINGARAPU SOMULU	7/1/65	CHE/0057/C	19-Nov-90	ST	164
For the year 97-98						
329	A.K.SHARMA	10/5/72	DEL/0270/C	30-Nov-92	OC	640
330	D.K.GUPTA	1/16/71	DEL/0043/C	23-Nov-92	OC	630
331	Ms. JAYASREE K. (MENON)	4/7/68	MUM/0124/C	14-Dec-92	OC	629
332	V. JITHENDER REDDY	8/2/68	CHE/0034/C	14-Dec-92	OC	627
333	M.P.KEDIYAL	5/25/68	DEL/0418/C	13-Jan-93	OC	623
334	RAJENDRA TIWARI	6/24/71	DEL/0402/C	22-Jan-93	OC	617
335	VIRENDRA KUMAR	7/8/71	DEL/0144/C	16-Dec-92	SC	516
336	SITA RAM MEENA	1/7/68	MUM/0014/C	06-Jan-93	ST	448

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82	STANLEY RAJ .R	5/30/59	CHE/0049/E	23-Apr-82	OC	395
83	RAJEEV KUMAR SAXENA	7/1/60	DEL/0262/E	25-Sep-86	OC	395
	AMITAVA GANGOPADHYAY	12/1/59	CAL/0074/E	11-Jul-84	OC	394
85	MANGAT RAM	4/1/57	DEL/0100/E	11-Sep-78	OC	393
86	M. PALANICHAMY	12/1/53	CHE/0062/E	6-Sep-76	OC	392
87	ARUN KUMAR GOEL	3/27/57	DEL/0483/E	27-Jan-79	OC	392
88	SANJAY KRUSHNA RAO BOKADE	12/29/65	DEL/0482/E	6-May-91	ST	263
For the year 98-99						
89	SAILENDRA NARAYAN SAHOO	11/26/67	DEL/0415/E	1-Feb-93	OC	521

Declaration of the result of any candidate does not automatically confer on him the right for promotion, which would be subject to the verification of the vacancies available year-wise, approval from Ministry of Finance for filling up the vacancies over one year old, vigilance clearance, year-wise eligibility for promotion and outcome of judgements in cases pending in various CATs / Courts including the following, CAT/Court cases and cases if any filed in future.

1. CWP No 3519 of 1999 Shri Santosh Shukla Vs U.O.I. & others..
2. O.A. No. 386/99 Shri S.K.Chaturvedi Vs U.O.I. & others., CAT, PB, N.Delhi
3. Contempt etction No CPC No 299/2000 Shri Vinod Garg Vs U.O.I. & others
4. O.A. No 37/99 Shri A.K.Singh Vs U.O.I. & Others CAT Guwahati Branch
5. Shri B.O. verghes Vs U.O.I. & Others CAT Mumbai Branch
6. O.A. No 1103/98 to 1108/98, O.A. 1119/98, O.A. No. 1073/98 and 33/99 all combined at CAT Mumbai Branch
7. O.A. No 1757/99 Shri Shyam Lal Vs U.O.I. CAT, PB, N. Delhi
8. O.A. No.546/99, CAT, PB, N.Delhi
9. O.A. No.498/99, Shri D.K. Jaiswal Vs U.O.I. & Others., CAT, PB, N. Delhi
10. O.A. No 839/99 Shri surinder Kumar Vs U.O.I. & Others., CAT, PB, N.Delhi.

Result of Shri C.K.Chaturvedi, Roll No. DEL/1358/C and Shri Ajay Kumar Singh, Roll No. GUW/0013/C have been kept in sealed covers as per directions of Principal Branch, CAT, Delhi vide their instructions dated 17.2.1999 in O.A. No. 386/99 and CAT, Guwahati vide their instructions dated 16.2.1999 in O.A. No. 37/99 respectively.

[Signature]

16/2/2001

Narender Kumar
S.E.(Trg) I & Controller Of Examination

ATTESTED

[Signature]

ADVOCATE

DIRECTOR GENERAL OF WORKS
CENTRAL PUBLIC WORKS DEPARTMENT
TRAINING INSTITUTE: NIRMAL BHAWAN
NEW DELHI

No.SE(T)-I/Jes/Deptt.exam/98-99/261

Dt.01.02.2002

Assistant Engineer (CPWD) Limited Department Competitive Examination-1999

Based on the Limited Departmental Competitive Examination held by the CPWD Training Institute for the posts of Assistant Engineer (Civil) and Assistant Engineer (Electrical) in February 1999, the instructions of Principal Bench CAT Delhi issued in OA Number 2239/1998, with OA No.2528/1998 on 15th February, 1999, the guidelines issued by the DOPT vide their OM dated 02.07.1997 for filling up of vacancies of SC & ST candidates, and year wise eligibility for promotion, for which the result was declared vide this office letter even no. dated 16.1.2001, following candidates have been further found eligible for consideration for promotion against the year wise vacancies of Assistant Engineers (Civil) for the year 1997-98 and 1998-99. These additional posts have been recently revived by the DOPT, Ministry of Finance and Ministry of UD & PA.

S. NO.	NAME	DATE OF BIRTH	ROLL NUMBER	DATE OF JOINING	CATEGORY	TOTAL MARKS
For the year 97-98						
1.	A.K.SETHI	01/12/70	DEL/0346/C	08-Jan-93	OC	602
2.	ARBIND KUMAR SINGH	03/10/68	DEL/0153/C	18-Dec-92	OC	595
3.	D.P.JINDAL	01/01/69	DEL/0029/C	22-Dec-92	OC	592
4.	SHRI RAM SAHU	07/29/68	CAL/0135/C	01-Feb-93	OC	588
5.	RAKESH KUMAR	05/01/67	DEC/0053/C	10-Dec-92	OC	587
6.	KAKULAVARAPU KRISHNA KISHORE	04/21/69	CHE/0192/C	07-Apr-93	OC	587
7.	SUBODH KUMAR SINGH	09/10/66	DEL/1201/C	15-Jan-93	OC	583
8.	SANJAY MADAN	01/06/67	DEL/0206/C	30-Jan-93	OC	580
9.	HANSA DUTT	11/15/66	DEL/1356/C	05-Dec-92	OC	577
10.	KRISHAN MOHAN KANSAL	05/15/68	DEL/1264/C	10-Dec-92	OC	570
11.	AMIT KUMAR JAIN	03/05/67	DEL/1069/C	15-Dec-92	OC	569
12.	PRADEEP KUMAR JAIN	07/18/66	DEL/0737/C	04-Jan-93	OC	565
13.	MUNESHWAR TYAGI	12/12/67	DEL/0015/C	08-Dec-92	OC	564
14.	KAILASH CHANDER TANEJA	05/03/68	DEL/0124/C	30-Nov-92	OC	561
15.	YASHWANT SINGH BIST	03/11/70	DEL/1195/C	01-Dec-92	OC	561
16.	S.RAVI	06/02/67	MUM/0039/C	15-Dec-92	OC	559
17.	A.K.PANDEY	03/01/70	DEL/0040/C	31-Dec-92	OC	558
18.	M.K.JAIN	04/24/69	DEL/1261 /C	28-Dec-92	OC	557

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56.	SURINDER KUMAR	07/23/67	DEL/0120/C	13-Nov-93	OC	584
57.	VIJAY RAJE	10/08/69	DEL/0055/C	21-May-94	OC	565
58.	M.S.SHAFI AHMAD	11/15/69	DEL/0408/C	28-Dec-93	OC	544
59.	K.K.JAIN	07/01/67	DEL/0470/C	25-Oct-93	OC	543
60.	K.KRISHNA KAILAS	02/15/69	CHE/0210/C	23-Aug-94	OC	538
61.	BRAJENDRA NARAYAN SINGH	10/05/67	DEL/1112/C	01-Nov-93	OC	537
62.	MANOJ KUMAR SINGH	06/15/69	MUM/0092/C	10-Jan-94	OC	537
63.	MAHESH KUMAR	01/09/69	DEL/0959/C	03-Dec-93	SC	512
64.	JASWINDER PAL	03/18/72	DEL/0294/C	27-Oct-93	SC	475
65.	RAMSEWAK RAWAT	10/25/63	MUM/0089/C	05-Nov-93	ST	377

Declaration of the result of any candidate does not automatically confer on him the right for promotion, which would be subject to the verification of the vacancies available year-wise, approval from Ministry of Finance for filling up the vacancies over one year old, vigilance clearance, yearwise eligibility for promotion and outcome of judgments in cases pending in various CATs/Courts including the following, CAT/Court cases and case if any filed in future.

1. CWP No.3519 of 1999 Shri Santosh Shukla Vs. U.O.I. & Others, Delhi High Court.
2. O.A.No.386/99 Shri S.K.Chaturvedi Vs. U.O.I. & Ors. CAT, PB, New Delhi.
3. Contempt Petition No.CPCNo.299/2000 Sh.Vinod Garg Vs. U.O.I. & Ors.
4. O.A.No.37/99 Shri A.K.Singh Vs. U.O.I. & Ors., CAT, Guwahati Bench.
5. O.A.No.111/99 Sh.B.O.Verghese Vs.U.O.I. & Ors. CAT, Mumbai Bench.
6. O.A.No.1103/98 to 1108/98, P.A.No.1119/98 O.A.No.1073/98 and 33/99 all combined at CAT, Mumbai Bench
7. O.A.No.1757/99 Shri Shyam Lal Vs. U.O.I. CAT, PB, New Delhi
8. O.A.No.546/99, CAT, PB, New Delhi
9. O.A.No.498/99, Sh.D.K.Jaiswal Vs. U.O.I.& Ors. CAT, PB, New Delhi.
- 10.O.A.No.839/99 Shri Surinder Kumar Vs. U.O.I. & Ors., CAT PB, New Delhi
- 11.O.A.No.1682/99 Shri Vinod Garg & Ors. U.O.I.
- 12.CPC 160/2001 in O.A.No.2526/98 Shri D.K.Yadav Vs. U.O.I. & Ors.
- 13.O.A.No.3457 Sh.Sudarshan Singh Vs. U.O.I. & Ors. CAT, PB, New Delhi
- 14.O.A.No.2192/2001 Sh.G.K.Jindal Vs. U.O.I. & Ors. CAT, PB, New Delhi
- 15.O.A.No.488/2001 Sh.H.K.Sinha Vs. U.O.I. & Ors. CAT, Jabalpur Bench.

The result of Shri S.K.Chaturvedi, Roll No.DEL/1358/C and Shri Ajay Kumar Singh, Roll No.GUW/0013/C have been kept in sealed covers as per directions of Principal Bench, CAT, Delhi vide their instructions dated 17.02.1999 in O.A.No.386/99 and CAT, Guwahati vide their instructions dated 16.02.1999 in O.A.No.37/99 respectively.

(Deepak Thakur)

SE (Trg)-I& Controller of Examination

Copy to the Director of Administration, CPWD, Nirman Bhawan, New Delhi for further necessary action.

Sd/- 1.2.2002

SE (Trg)-I& Controller of Examination

ATTESTED

S. Matla

ADJUTANT

No. 30/99-EC/VOL II (Part File)
Government of India
Directorate General of Works
Central Public Works Department

Nirman Bhavan, New Delhi
Dated: the 28 September, 2001.

OFFICE ORDER NO. 216/2001

In continuation of this Directorate's O/o. No. 201 of 1999 dated 3/11/99, 78 of 2000 dated 12/5/2000, 160 of 2000 dated 29/8/2000 & 120 of 2001 dated 31/5/2001, the deemed date of regular promotion of 322 AEs (Civil) promoted to the grade of AEs(Civil) shall be as per annexure.

[Signature]
(B.B. BARBAR)
DY. DIRECTOR (EC 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 Authorities/ Ministry of Environment & Forest.
4. All EEs/Surveyor of Works (Civil) in CPWD/PWD, Govt. of Delhi/I.T. Deptt./ Appropriate Authorities/ Ministry of Environment & Forest, New Delhi.
5. Shri K.S. Palachandran, Under Secretary, UPSC, New Delhi with reference to their letter No.1/11(5)/99-AP.II dated 7/10/99.
6. Under Secretary (EW), Ministry of Urban Development, New Delhi.
7. PS to DG(W) & PS to all ADGs (Works), CPWD.
8. CES Class I (DR) Association/CES & CESS Class II (DR) Association.
9. Section Officers, EC-II/III/CR. Cell, CPWD.

[Signature]
DY. DIRECTOR (EC I)

ATTESTED

[Signature]
ADVOCATE

ANNEX

S.NO.	NAME(S/INITIALS)	DATE OF BIRTH	DATE OF REGULAR PROMOTION
1.	2.	3.	4.
1.	Bijoy Kant	7/1/45	31/3/95
2.	Prit Pal Singh	14/10/49	-do-
3.	J.K. Mukherjee	18/11/44	-do-
4.	I Koteeswara Sarma	3/4/44	-do-
5.	Jagdish C. Nagpal	10/1/45	-do-
6.	J. Soundra Rajan	30/12/43	-do-
7.	S.C. Pitnadasani	8/6/37	-do-
8.	P.V. Chopra	7/6/42	-do-
9.	R.C. Sudan	12/10/48	-do-
10.	R. Balasubramanian	15/4/40	-do-
11.	R.S. Sethi	12/7/37	-do-
12.	O.P. Arora	1/10/43	-do-
13.	S.R. Tetali	10/7/41	-do-
14.	H.K. Arora	21/2/42	-do-
15.	G.S. Bhattacharjee	5/4/42	-do-
16.	B.B. Shah	6/8/41	-do-
17.	P.K. Sen	9/10/42	-do-
18.	M.P. Sharma	3/4/45	-do-
19.	M. Eswarayya	1/7/42	-do-
20.	S. Subramanian	14/1/42	-do-
21.	Vasudev	3/9/42	-do-
22.	P.C. Srisatava	12/12/41	-do-
23.	A.M. Kudari	2/6/44	-do-
24.	M.L. Gupta-II	15/12/37	-do-
25.	V. Mukandan	30/4/42	-do-
26.	V.V. Mohindra	27/4/45	-do-

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Bhatte
ADVOCATE

ANNEXURE - F

Government of India
 Directorate General of Works
 Central Public Works Department

No.29/1/2002-EC-III

Nirman Bhavan, New Delhi
 Dated : 4th June 2002

OFFICE MEMORANDUM

Subject : Provisional Seniority List of Assistant Engineers (Civil) in CPWD as on 01.04.2002.

The provisional Seniority List of Assistant Engineers (Civil) Group 'B' Engineering Service has been updated and is circulated for information of all concerned. While updating, every effort has been made to make to avoid omissions/errors. All SEs (Coord.) are requested to bring this seniority list to the notice of all concerned officers who are working under their charge and obtain a token of receipt for keeping in their record on perusal of the list. Omissions/discrepancies therein, if any, brought to their notice by concerned officers with regard to their date of birth/date of appointment as JE/AE, qualification etc. may first be verified with reference to their Service Book/service records and then the same may be forwarded to this Directorate, duly supported by full facts for carrying out necessary rectification. The discrepancies etc. may be brought to the notice of this Directorate within 45 days from the date of issue of this seniority list.

This provisional seniority list is issued subject to final outcome of the various court cases pending in various courts.

(DIWAN CHAND)

Deputy Secretary (Admn.)-II

To

1. All SEs (Coord.), CPWD.
2. The General Secretary, CPWD Engineers' Association, B-033, I.P. Bhavan, New Delhi-2
3. The General Secretary, All India CPWD Engineers' Association, G-2327, Netaji Nagar, New Delhi-110023.
4. The General Secretary, CPWD Junior Engineers' Association, I.P. Bhavan, New Delhi-110002.
5. DD-EC-I/SO-EC-VI
6. Dealing Asstt. (promotion)

ATTESTED
Bhatte
ADVOCATE

Page No. 63
03/06/02

J.O. (W), C.P.W.D.
Seniority List of Asst. Engineers (Civil) as on 01.04.2002
e-e-a-a-e

S.No. Name (S/Bhrf)	CAT	Quali	D/P	Date	Date of	Date of	Remarks
		file	of	Birth	Apptt.as	Apptt.as	
		tion			JE (C)	AE (C)	
2753 VANGARA BATYA KALI PRASAD	DE3	D		11/07/69	21/08/90	04/04/01	
2754 G VENKATARAMANA RAO	DIP	P		20/07/45	15/03/88	29/11/94	
2755 R KOTHANDAPANI	DIP	D		30/01/60	06/12/79	04/04/01	
2756 B MOHY	DIP	P		24/11/41	18/03/86	28/11/94	RETD.
2757 VARINDER SINGH	DIP	D		24/01/60	07/02/80	04/04/01	
2758 B P SINGH	DIP	P		31/12/44	16/03/86	28/11/94	
2759 GANGA RAM	BC	DEQ	D	10/01/63	18/12/89	04/04/01	
2760 V BREEDHARAN	DIP	P		06/11/41	30/06/86	29/11/84	RETD.
2761 BUPINDER SINGH	BC	DIP	D	04/02/66	15/11/89	04/04/01	
2762 UTPAL MITRA		DIP	P	23/02/45	01/04/86	28/11/94	
2763 TUSAR KANTI HANDL	BC	DIP	D	03/12/66	18/09/89	04/04/01	
2764 T K CHAKRABORTY		DIP	P	15/01/41	05/04/86	29/11/94	RETD.
2765		D		/ /	/ /	/ /	Kept vacant.
2766 B V PAI		DIP	P	16/02/43	12/04/86	29/11/94	
2767 BHOOPENDRA SINGH	BC	DIP	D	05/10/61	08/03/89	04/04/01	
2768 P K SASIDHARAN		DIP	P	01/12/44	14/04/86	29/11/94	
2769 HAND LAL	BC	DIP	D	25/10/63	15/05/90	04/04/01	
2770 H C BISWAS		DIP	P	01/11/43	27/04/86	29/11/84	
2771 ASHOK KUMAR	BC	DIP	D	04/05/68	29/11/89	04/04/01	
2772 A K SINHA		DIP	P	03/01/42	07/05/86	29/11/94	RETD.
2773 KARAN PAL	BC	DIP	D	10/02/65	24/02/89	04/04/01	
2774 P H GHOSH		DIP	P	07/01/43	07/05/86	29/11/94	
2775 TEJ VIR SINGH	BC	DIP	D	28/02/62	24/02/89	05/02/02	
2776 L GOPALAN		DIP	P	30/12/41	13/05/86	29/11/94	Vol.Retd./01.09.01
2777 NAIB CHAND	BC	DIP	D	01/06/69	10/11/89	04/04/01	
2778 D K MITRA		DIP	P	30/03/43	18/05/86	29/11/94	
2779 R PRASAD	BC	DIP	D	17/03/66	08/12/89	04/04/01	
2780 B B GHOSH		DIP	P	10/01/46	18/05/86	29/11/94	
2781 TEJA SINGH	BC	DIP	D	25/06/64	17/03/88	04/04/01	
2782 R S GUPTA		DIP	P	01/07/44	26/05/86	29/11/94	
2783 RAVINDRA D R KUMBHARE	ST	DIP	D	28/02/65	16/05/90	16/02/01	
2784 B BHATTACHARYA		DIP	P	27/02/42	31/05/86	05/01/95	RETD.
2785 DINESH KUMAR	ST	DIP	D	05/01/65	19/09/89	04/04/01	
2786 B C NANDY		DIP	P	02/02/44	31/05/86	05/01/95	
2787 BRI. RAJEN BORAH	ST	DIP	D	01/02/65	31/10/89	04/04/01	
2788 A SENGUPTA		DIP	P	12/07/41	01/06/86	05/01/95	RETD.
2789 HARI SINGH	ST	DIP	D	05/07/61	05/02/90	04/04/01	
2790 S K PAL		DIP	P	07/01/43	02/06/86	05/01/95	
2791 BASHI M BANSHIARY	ST	DIP	D	01/05/64	25/01/90	04/04/01	
2792 P K SEN		DIP	P	15/12/44	02/06/86	05/01/95	
2793 G LAKSHMI HARASIMHAIAH	ST	DIP	D	07/02/69	22/04/91	04/04/01	
2794 S H MITRA		DIP	P	03/01/35	04/06/86	05/01/95	RETD.
2795 SHARNAPPA	ST	DIP	D	01/06/65	09/05/91	04/04/01	
2796 P K MITRA		DIP	P	01/04/40	09/06/86	05/01/95	RETD.
2797 BHARAT LAL MEENA	ST	DIP	D	01/06/65	01/10/90	04/04/01	

ATTESTED

Bhalla
ADVOCATE

03/02

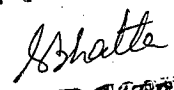
D.G.(W), C.P.W.D.

Seniority List of Asstt. Engineers (Civil) as on 01.04.2002

e-e-e-e

S.No. Name (S/Shift)	CAT	Quali- fice- tion	D/P Date of Birth	Date of Apptt.as JE (C)	Date of Apptt.as AE (C)	Remarks
2528 M BALAN	DIP	P	05/12/42	10/03/65	29/11/84	
2529 MOHINDER KUMAR	DIP	D	10/09/64	31/07/85	28/07/84	
2530 Q B RAO	DIP	P	02/10/43	10/03/65	29/11/84	
2531 B C MEENA	ST DIP	D	01/05/67	08/11/89	16/02/01	
2532 B B SARKAR	DIP	P	07/05/41	12/03/65	29/11/84	RETD.
2533 K A MEENA	ST DIP	D	11/11/67	21/11/89	16/02/01	
2534 H P KUSUM	DIP	P	03/02/45	15/03/65	29/11/84	
2535 HIROR KEBHAVBHAI	ST	D	01/04/66	05/10/89	16/02/01	
2536 H C HAO	DIP	P	18/05/43	15/03/65	29/11/84	
2537 RAM CHARAN MEENA	ST	D	08/04/67	04/05/90	16/02/01	
2538 K V V KRISAMA	DIP	P	08/10/41	16/03/65	29/11/84	RETD.
2539 R B MEENA	ST DEG	D	01/08/66	09/11/89	16/02/01	DEG/1998
2540 G V RANJAN	DIP	P	16/06/39	17/03/65	29/11/84	RETD.
2541 NARYAAN BHAI PATELIA	ST DIP	D	01/06/67	29/01/89	16/02/01	
2542 H D ASHANI	DIP	P	03/07/39	18/03/65	29/11/84	RETD.
2543 H B HADAOO	ST DIP	D	27/10/64	16/10/89	16/02/01	
2544 B K MUKOPADHYAY	DIP	P	15/01/42	22/03/65	29/11/84	RETD.
2545 HAKKIAN LAL MEENA	ST DIP	D	15/07/65	05/01/90	16/02/01	
2546 P C MAJUMDAR	DIP	P	01/02/43	24/03/65	29/11/84	
2547 RAM GOPAL MEENA	ST DEG	D	01/08/63	08/06/90	16/02/01	DEG/2001
2548 T V J PRATHABHAN	DIP	P	05/08/44	25/03/65	29/11/84	
2549 BARDAR SINGH	ST DIP	D	10/06/66	02/02/90	16/02/01	
2550 N DAS	DIP	P	17/03/40	30/03/65	29/11/84	RETD.
2551 R D NINANE	ST DIP	D	28/06/66	18/10/89	16/02/01	
2552 BANWARI LAL	DIP	P	15/08/37	02/04/65	29/11/84	RETD.
2553 CHHUTTAN LAL MEENA	ST DIP	D	08/08/65	23/11/89	16/02/01	
2554 K K GULABAI	DIP	P	25/10/37	02/04/65	29/11/84	RETD.
2555 V TARA SINGH	ST DEG	D	30/04/69	27/10/89	16/02/01	
2556 P K DAS	DIP	P	07/01/45	02/04/65	29/11/84	
2557 MANOHAR LAL TABIYAO	ST DIP	D	25/11/67	23/10/89	16/02/01	
2558 R K BISWAS	DIP	P	20/12/41	03/04/65	29/11/84	RETD.
2559 DEVI SHAHNER	ST DIP	D	25/12/68	21/02/90	16/02/01	
2560 T K GANGOPADHYAYA	DIP	P	03/01/45	19/04/65	29/11/84	
2561 R N ASHWATHIAN	ST DIP	D	11/04/69	15/11/89	16/02/01	
2562 MADAN LAL	DIP	P	15/09/40	29/04/65	29/11/84	RETD.
2563 BRI HEMEN C RABHA	ST DIP	D	01/06/64	15/09/89	16/02/01	
2564 B C PAL	DIP	P	15/06/42	03/05/65	29/11/84	
2565 BUNDER LAL	ST DIP	D	03/07/65	19/03/90	16/02/01	
2566 B BHATTACHARYA	DIP	P	09/08/44	10/05/65	29/11/84	
2567		D	/ /	/ /	/ /	Kept vacant.
2568 Q P NAGARAJAPPA	DEG	P	19/10/40	17/05/65	29/11/84	RETD.
2569 JOY BELKHAS KUJUR	ST DIP	D	16/06/66	15/01/90	16/02/01	
2570 B P SINGH	DIP	P	15/01/43	31/05/65	29/11/84	
2571 OM NARAYAN	ST DIP	D	01/06/61	22/05/90	16/02/01	
2572 H L VERMA	DIP	P	15/03/40	31/05/65	29/11/84	

ATTESTED


 B. SHETTY

No. 58
07/06/02

D.G.(H), C.P.W.D.
Seniority List of Asstt. Engineers (Civil) as on 01.04.2002
e-e-e-e-e

S.No. Name (8/5hr1)	CAT	Quali	D/P	Date	Date of	Date of	Remarks
		fic	of	of	Asstt. as	Asstt. as	
		tion	Birth	JE (C)	AE (C)		
2573 PRAKASH CHAND MEENA	BT	DIP	D	06/07/67	07/02/90	16/02/01	
2574 H K DUTTA		DIP	P	25/11/45	02/06/65	29/11/94	
2575 LOHIT SONOMAL	BT	DIP	D	26/02/65	31/10/89	16/02/01	
2576 JADUBIR PRASAD		DIP	P	02/07/43	03/06/65	29/11/94	
2577 BHIV BINGH MEENA	BT	DIP	D	14/07/66	01/02/90	16/02/01	
2578 K C JOSHI		DIP	P	14/11/42	05/06/65	29/11/94	
2579 LAKHYA RAM PATIR	BT	DIP	D	01/08/64	01/11/89	16/02/01	
2580 P K HAZUMDAR		DIP	P	15/08/40	10/06/65	29/11/94	RETD.
2581 H B MEENA	BT	DIP	D	07/07/64	20/11/89	16/02/01	
2582 V B PRABHANNAH		DIP	P	30/04/42	16/06/65	29/11/94	
2583 KALU RAM MEENA	BT	DIP	D	15/07/59	05/02/90	16/02/01	
2584 A KRUPAKARAN		DEG	P	20/10/45	19/06/65	29/11/94	
2585 MOTI LAL PRASAD	BT	DIP	D	04/06/64	04/04/90	16/02/01	
2586 B K HAZARA		DIP	P	25/07/45	29/06/65	29/11/94	
2587 BHRI NARAYAN BAH	BT	DIP	D	16/11/63	28/10/89	16/02/01	
2588 MOHAMMED IMAM		DIP	P	26/07/44	29/06/65	29/11/94	
2589 A P GARG		DIP	D	24/08/68	16/01/90	16/02/01	
2590 V G TATTI		DIP	P	08/07/43	01/07/65	29/11/94	
2591 ISHWARI PRASAD		DIP	D	20/07/64	27/12/89	16/02/01	
2592 P K BHATTACHARJEE		DIP	P	18/04/42	01/07/65	29/11/94	
2593 PARVEEN KUMAR		DEG	D	13/06/63	21/04/89	16/02/01	
2594 ISAC MATHEWS		DIP	P	28/08/41	02/07/65	29/11/94	RETD.
2595 CHITTELLA SUBRAHMANYAM		DEG	D	06/08/65	31/08/90	16/02/01	
2596 K C GURBAHAMI		DIP	P	30/10/42	29/07/65	29/11/94	
2597 MAHESH CHAND SINGHAL		DEG	D	20/06/61	19/01/84	16/02/01	
2598 D M JAOKAR		DIP	P	26/04/44	29/07/65	29/11/94	
2599 DEVANAND PATHAK		DEG	D	08/04/61	01/03/89	16/02/01	
2600 B S BAHMANIA	BC	DIP	P	02/05/54	02/11/79	29/11/94	
2601 RAVINDER KUMAR BHARMA		DEG	D	29/12/58	29/10/79	16/02/01	
2602 BRAHAM SINGH	BC	DIP	P	15/11/56	03/11/79	29/11/94	
2603 PUSHPINDER SINGH		DEG	D	22/11/64	20/12/68	16/02/01	
2604 RAGHUBIR SINGH	BC	DIP	P	14/12/57	31/10/79	29/11/94	
2605 VIJAY KUMAR JHA		DIP	D	28/11/65	20/12/89	16/02/01	
2606 H P O SHAKYA	BC	DIP	P	30/08/58	31/12/78	29/11/94	Expired 31/12/94
2607 BIRENDRA KUMAR MISHRA		DIP	D	01/07/67	26/12/89	16/02/01	
2608 R P SINGH	BC	DIP	P	25/06/60	31/12/79	29/11/94	
2609 KAMLESH CHANDRA BAJPAI		DEG	D	01/01/60	03/02/81	16/02/01	
2610 BABU LAL	BC	DIP	P	13/07/56	04/02/80	29/11/94	
2611 P BRIDHAR		DEG	D	29/11/66	01/01/90	16/02/01	
2612 PADAM SINGH	BC	DIP	P	02/01/55	11/02/80	29/11/94	
2613 JITENDER KUMAR MISHRA		DIP	D	30/01/62	10/02/82	16/02/01	
2614 A K DAS TALUKDAR	BC	DIP	P	13/02/59	16/02/80	29/11/94	
2615 DHARAM BIR SINGH		DIP	D	26/11/61	10/02/82	16/02/01	
2616 M HALDER	BC	DIP	P	01/10/57	23/02/81	29/11/94	
2617 R KUMAR	BC	DEG	D	30/06/68	16/01/90	16/02/01	

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Page No. 65
03/06/02

D.G.(M), C.P.W.D.
Seniority List of Asstt. Engineers (Civ I) as on 01.04.2002
e-e-e-e

S.No.	Name (S/Shri)	CAT	Quali- fica- tion	D/P Date of Birth	Date of Aspntt. as J. (C)	Date of Aspntt. as AE (C)	Remarks
3022	ARVIND KUMAR	SC	DIP	D	13/09/66	13/01/90 04/04/01	
3023	V S BHATIA		DIP	P	23/07/41	13/12/57 11/09/95	RETD.
3024	KARAH JIT SINGH	SC	DIP	D	13/03/66	25/07/90 04/04/01	
3025	K K SHARMA		DIP	P	09/06/43	23/07/68 11/09/95	
3026	MAHOMAR LAL	SC	DIP	D	10/10/70	17/08/91 04/04/01	
3027	M H HARPALANI		DIP	P	10/04/39	24/12/66 11/09/95	RETD.
3028	SURESH KUMAR SINHA	ST	DIP	D	04/03/68	16/05/91 04/04/01	
3029	MAHOMAR PAUL		DIP	P	30/04/43	22/02/69 11/09/95	
3030	NGILKHAHPAU	ST	DIP	D	28/09/66	20/12/90 04/04/01	
3031	K D CHATTERJEE		DIP	P	13/12/39	23/09/69 11/09/95	RETD.
3032	KALU RAM MEENA	ST	DIP	D	02/07/68	28/06/91 04/04/01	
3033	M K GUHAR ROY		DIP	P	21/06/40	26/09/69 11/09/95	RETD.
3034	G HANUMANTHARAYA	ST	DIP	D	26/06/65	12/04/91 04/04/01	
3035	NARAYANA HAMBUDIRIPAO		DIP	P	27/10/45	10/06/70 06/11/95	
3036	R D MEENA	ST	DIP	D	10/06/67	12/08/91 04/04/01	
3037	BADRUDDIN KHAN		DIP	P	31/12/45	12/06/70 06/11/95	
3038	RAHESH CHANDRA DAS	ST	DIP	D	01/12/66	17/07/91 04/04/01	
3039	A N LAHIRI		DIP	P	23/08/47	10/08/70 06/11/95	
3040	KHAGESHWAR KALAH	ST	DIP	D	26/11/65	10/07/91 04/04/01	
3041	ALOK KUMAR GHOSH		DIP	P	15/04/46	11/08/70 06/11/95	
3042	DAKHODE RAJU ONKAR RAO	ST	DIP	D	10/10/66	06/10/91 04/04/01	
3043	HANUJ KUMAR BISWAS		DIP	P	14/01/43	17/06/70 06/11/95	
3044	PRANTOSH MANJHI	ST	DIP	D	27/09/63	18/06/91 04/04/01	
3045	JOYDEV CHANDRAPANDIT		DIP	P	01/01/46	19/08/70 06/11/95	
3046	D POONGAVANAH		DIP	P	13/04/41	05/10/70 06/11/95	RETD.
3047	KHAGES CHANDRA DEB		DIP	P	01/03/46	26/10/70 06/11/95	
3048	B K GANGULY		DIP	P	03/11/47	26/10/70 06/11/95	
3049	B R MUKHERJEE		DIP	P	03/08/42	02/11/70 06/11/95	
3050	R N MUKHERJEE		DIP	P	10/05/44	02/11/70 06/11/95	
3051	SANKAT KUMAR SAHA		DIP	P	17/06/44	02/11/70 06/11/95	
3052	SHEREEF A. MOHD.		DIP	P	26/07/44	05/04/65 06/11/95	
3053	BAKTI PADA POODAR		DIP	P	15/02/45	02/11/70 06/11/95	
3054	AHAR CHAND BEN		DIP	P	20/06/45	14/11/70 06/11/95	
3055	B K BAHU		DIP	P	03/12/47	14/11/70 06/11/95	
3056	M C GUHA ROY		DIP	P	01/10/47	25/11/70 06/11/95	
3057	A K GUGLANI		DIP	P	23/10/46	05/01/71 06/11/95	
3058	DALJIT SHAH SINGH		DIP	P	16/12/49	05/01/71 06/11/95	
3059	YOGENDRA PAL SINGH		DIP	P	07/10/46	07/01/71 06/11/95	
3060	ISAR RASOEL		DIP	P	01/11/46	06/01/71 06/11/95	
3061	ASHOK KUMAR JAIN		DIP	P	06/01/50	08/01/71 06/11/95	
3062	M L SHARMA		DIP	P	01/12/49	27/01/71 06/11/95	
3063	R KRISHNAMURTHY		DIP	P	04/10/44	26/01/71 06/11/95	
3064	KAILASH N. SHARMA		DIP	P	01/10/45	03/01/71 06/11/95	
3065	KANAIYALAL SHARMA		DIP	P	01/01/45	04/01/71 06/11/95	
3066	SUNIL KUMAR MONDAL		DIP	P	01/01/45	04/01/71 06/11/95	

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- 44 -

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ANNEXURE-- G 64

Government of India
Directorate General of Works
Central Public Works Department

No.29/7/2002-EC-III

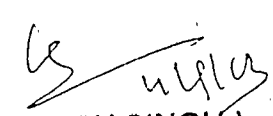
Nirman Bhavan, New Delhi,
Dated the 4 September 2003.

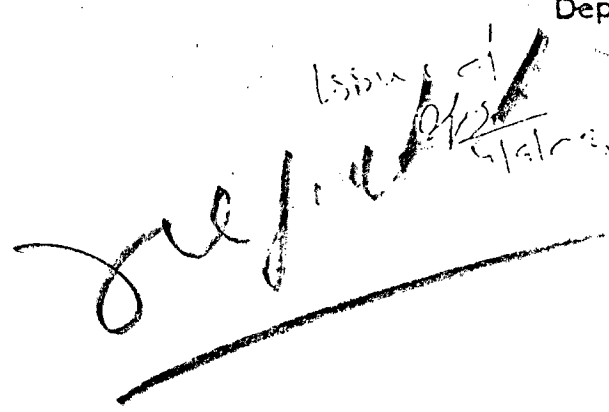
To

The General Secretary
CPWD Engineers' Association
'B' Wing, Ground Floor
I.P. Bhavan
New Delhi.

Subject : Grant of Deemed Date of Promotion in the grade of Assistant Engineers (Civil & Elect.) – reg.

I am directed to refer to your letter No.CPWDEA/337 dated 29.07.2002 and No.CPWDEA/197 dated 23.07.2003 on the above mentioned subject and to say that case of grant of deemed date of promotion to the Assistant Engineers (Civil & Elect.) qualified through LDCE-1999 has been considered in consultation with the Ministry of Urban Development & Poverty Alleviation and the Department of Personnel & Training and it has been decided that the same can not be acceded to.


(DINESH SINGH)
Deputy Director, EC-III
Tel : 23010509



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- 48 -

ANNEXURE--

Er S. m. Bangshian.

CENTRAL ADMINISTRATIVE TRIBUNAL,
PRINCIPAL BENCH.

61/35, Copernicus Marg,
New Delhi - 110 004

Date :

25.5.2004

From

The Principal Registrar
Central Administrative Tribunal
Principal Bench, New Delhi.

To

1. *Shri Hareesh Kaushik*, counsel for the applicant,
703, 7th Floor, Nilgiri Apartments, 9, Barakhamba Road, New Delhi-1
2. *Shri S. Rajappa*, Counsel for the respondents,
94, Lawyer Chamber, Supreme Court New Delhi

Vijender Singh & Crs.

Regn.No. O.A. 2710/2003

Applicant

Versus

UC I & Crs.

Respondent

Sir,

I am directed to forward herewith a copy of Judgement/Order
Dt. 13.5.2004 passed by this Tribunal in the above mentioned
case for information and necessary action, if any.

Please acknowledge the receipt.

Yours faithfully,

(SECTION OFFICER)

JUDL.-II

FOR PRINCIPAL REGISTRAR

Encl. : As above.

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By Mr. Shanker Raju, Member (J):

Through this OA following reliefs have been prayed:

- a) allow this Original Application
- b) quash the impugned seniority list dated 4.6.2002;
- c) quash the order No.29/7/2002-EC-III dated 4.9.2003 and allow notional seniority to the applicants from the dates and years when vacancies arose with all consequential benefits;
- d) direct the Respondents to allow seniority to the applicants w.e.f. the dates and the years in which vacancies against which the applicant have been appointed were available and against which the applicants are shown to have been appointed vide the order dated 16.2.2001.
- e) and pass other or further orders which this Tribunal may deem fit and proper in the facts and circumstances of the case may also be passed in favour of the applicant".

2. Applicants who are Junior Engineers in CPWD have promotional avenues as Assistant Engineer which has two channels, i.e., promotion based on seniority and on qualifying the limited departmental competitive examination (LDCE, for short). On eligibility one is subjected to examination for further progression. Being aggrieved with non-holding of examination applicants filed OA-2239/98 which was disposed of on 15.2.99 with the following directions:

"13. In the light of the detailed discussions aforesaid and in the interest of justice and fair play, we do not think it appropriate to apply broken on the wheels of the proposed selection process. For this reason, the OAs deserves to be dismissed and we do so accordingly. However, to take care of some of the reasonable apprehensions to the applicants, it would be appropriate that while conducting the present selection

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and finalising the process thereof, respondents shall take precautions in terms of the following:

(i) Segregate both vacancies and eligibility year-wise. This is to ensure that an employee after having qualified in the examination does not get the benefit of seniority against the year when he was not even eligible for the same.

(ii) existing rules for filling up the posts meant for reserved category candidates shall be adhered to as prescribed by the DOPT in its OM dated 2.7.97, while communicating vacancies of 391 JEs, respondents have only indicated that the percentage of reservation for SC/ST will be indicated only later on. Since reservation in promotion in such cases are to be ensured as per law laid down, respondents shall strictly follow instructions for maintaining the roster and running account register to look after the interests of backwards classes.

(iii) Vacancies of 391 shall be recalculated to ensure that 1:1 ratio between the two groups for the years from 1993 to 1999 have not been tilted to unduly favour one of the two contending groups.

(iv) We are also inclined to agree with the respondents' submission that "present practice of keeping vacant slots for being filled up by direct recruitment of later years thereby giving them unintended seniority over promotees who are already in position could be dispensed with. The above precautions shall be taken before finalising the present selection process on hand."

14. For similar examinations to be held in future respondents shall also consider (1) the possible of strictly maintaining 1:1 ratio year-wise between DPC and LDCE candidates making them widely known through departmental notice boards any feasibility of ensuring that the posts falling vacant caused by DPC-promotees could be filled through DPC candidates and those caused by LDCE promotees could be filled through examination and (iii) for making 1:1 ratio for the newly created posts as mandatory."

3. Accordingly, result was declared for 390 vacancies vide notification dated 16.9.98. Applicants appeared in the examination but the result only in respect

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of 336 vacancies was declared yearwise. Subsequently, v order dated 1.2.2002 the result for the remaining 6 vacancies was declared.

4. Applicants have been shown to be appointed against the vacancies pertaining to the years 1994-95 onwards. However, seniority of applicants has been restricted to the year 2001. On issuance of the provisional seniority list on 4.6.2002 applicants preferred representations, seeking notional seniority. As nothing is responded by respondents, the present OA is filed.

5. Learned counsel for applicants assails the impugned seniority list on the ground that it is violative of Articles 14 and 16 of the Constitution of India. Once the respondents have delayed holding of departmental examination in the light of the decision in OA-605/97 decided on 18.9.92 in R.K. Nafaria v. Union of India the notional seniority cannot be denied to them. It is further stated that once they are considered against the vacancies pertaining to yester years the seniority should relate back to the date which is in consonance with the directions issued in OA-2239/98, wherein it is categorically observed that apart from maintaining the ratio one should not get the benefit of seniority against the year when he was not even eligible. Accordingly, it is stated that they have been considered for the year 1994 onwards on their acquirement of eligibility.

6. Learned counsel has assailed the impugned seniority on the basis of hostile discrimination. In this view of the matter by referring to office order dated 28.9.2001 it is contended that for promotion from AEs

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-52- 69 ③

to the grade of Executive Engineer. Notional seniority has been given from the date of vacancies which should have been followed when the rules are analogous for both the posts.

7. On the other hand, respondents' counsel contested the OA and their stand is that promotion would be given effect to prospectively and seniority is to be determined from the date of actual promotion on the principle of 'no work no pay'.

8. Moreover, it is stated that there is no discrimination meted out to applicants as Executive Engineers due to the revision of seniority with reference to the juniors accorded notional seniority which is not the case of applicants who have another mode of promotion, which is fast track where eligibility period is reduced.

9. On careful consideration of the rival contentions of the parties we advert to the directions in OA-2239/98 where due to the fault of respondents by not holding LDCE since 1992 segregation of vacancies was ordered and was to be filled up on yearwise basis. It is also observed that ratio of 1:1 is to be maintained between LDCE and promotees and eligibility should be segregated with vacancies to ensure that those who have qualified the examination do not get the benefit of seniority against the year when they were not even eligible.

10. The only rational and logical interpretation to be given to the aforesaid is that the yearwise panels are to be drawn and on acquirement of eligibility the applicants therein are to be promoted from the date of promotion and in

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53 - ... that they have passed the examination in the relevant year seniority is to be accorded.

11. We have also perused the record and find that most of the applicants have been found eligible and have qualified the LDCE for the posts for the years 1995-1996 onwards. Accordingly, they were promoted in 2002 but their promotion is to be deemed on notional basis from the date they have been found eligible on acquirement of eligibility and passing of the LDCE. Accordingly, the seniority is to relate back on notional basis to the date of the year in which they have been found eligible.

LDCE

12. We also find that the Executive Engineers have also been accorded notional seniority. The ground for difference is revision of seniority and reduced eligibility period to applicants has no reasonable nexus with the objects sought to be achieved. This differentia is not intelligible. LDCE examination apart from promotion quota has always been a fast tract promotion. Once the similar treatment has been meted out in the next promotional cadre the same cannot be denied to applicants which would offend the principles of equality enshrined under Article 14 of the Constitution of India.

13. In the result, for the foregoing reasons, OA is allowed. Impugned orders are quashed and set aside. Respondents are granted notional seniority to applicants from the dates and years when vacancies arose. If in the process the others are adversely affected they should be put to notice before any adverse action is taken against them. No costs.

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DATED 11/09

CENTRAL ADMINISTRATIVE TRIBUNAL, CHANDIGARH BENCH, CHANDIGARH.

The Registrar,
Central Administrative Tribunal,
Chandigarh Bench, Chandigarh.

For
By
Signature
Name
Designation

1. A. P. Sharma, Advocate 40C AT Bar
2. Mr. Makeesh Kaurhik, Adv.
1630 / 44B, CHD

ORIGINAL APPLICATION, TRANSFER APPLICATION NO. 1260/03

A. P. Garg & Ors.

APPLICANT(S)

VERSUS

11/09

RESPONDENT(S)

I am directed to forward herewith a copy of order passed by the Tribunal comprising of Hon'ble K. M. Mehta Ministerial Member, Judicial Member, the above mentioned case for information, compliance and record.

Your

SECRETARY
CHANDIGARH BENCH

Encl:- 75 copies

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1. Ashok Kumar, AE, D/o Executive Engineer, Jammu Central Division CPWD, Jammu.

2. Harinder Singh Kohli, AE, D/o Executive Engineer, Jammu Central Sub-Division-IV, Jammu.

3. Ashok Kumar, AE, D/o Executive Engineer, Srinagar Central Division, CPWD, Leb (Srinagar).

.... Applicants

versus

Union of India through the Secretary, Ministry of Urban Development, Nirman Bhawan, New Delhi.

4. Director General, (Works), Central Public Works Department, Nirman Bhawan, New Delhi.

5. Director (Administration), Central Public Works Department, Nirman Bhawan, New Delhi.

.... Respondents

Present: Sh. U.R. Sharma, Counsel for the Applicants
Sh. Mukesh Kaushik, Counsel for Respondents.

ORDER (Oral)
HON'BLE MR. JASBIR S. BHALLIWAL, J.M.

All the applicants in this O.A. were Junior Engineers in Central Public Works Department (CPWD). Promotion avenues for them as framed under the relevant Rules of 1954, copy of which has been placed on record as Annexure A-4 provided for promotion to the post of Assistant Engineer in two manner (A) 50% of appointment on the basis of their seniority as pleaded by respondents in their written statement and (B) 50% by selection from among Junior Engineers employed on the Civil Engineering side of the Central Public Works Department, after consultation with the Union Public Service Commission on the basis of a Limited Departmental Competitive Examination which shall be held in accordance with the

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... or made by the Central Government, after consultation with the Union Public Service Commission.

2. Grievance of the applicants is that the vacancies of 1994, 1995, 1996 and 1997, respondents did not hold any Limited Departmental Competitive Examination (LDCE) and it was held only in the year 1999. All the applicants qualified in the same and they have been given promotion to the post of Assistant Engineer by order dated 16th February, 2001, Annexure A-6. They have all been in fact placed in the slot meant for them by keeping the ratio of 1:1 with the persons given promotion on the basis of seniority quota. However, they have not been granted promotion with effect from the date the vacancies were available for them and they were eligible. They plead that examination was not held by the respondents during the years 1994, 1995 onwards and they cannot deprive the applicants of their rights of promotion against the quota of LDCE with effect from the date they should have been given such promotion. They have assailed their date of appointment being mentioned in Annexure A-2 with the prayer to quash the same so far it relates to mention of date of their appointment as Assistant Engineer. They had also filed representation to respondents through their Union to correct the date of their appointment to the post of Assistant Engineer so as to make it on notional basis with effect from the date when the vacancies had become available and by keeping the ratio of 50:50 with promotees against seniority quota. They have thus prayed for quashing Annexure A-2 vide which their representation has been rejected. They have further prayed for a declaration that they are entitled to the benefits of fixation of their

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and seniority from the due date at par with their seniors against the vacancies against which they have been appointed and have been shown in the seniority list.

Place A-2 by holding that the denial of the same vide Annexure A-1 and otherwise is illegal.

3. Respondents have filed a detailed written statement, contesting their case mainly on the ground that they appeared in the examination under LDCE quota in the year 1999. After being declared successful, they have been given promotion vide the order, Annexure A-6 w.e.f. 16.2.2001. The benefit, as claimed by them in the O.A., can be given to them w.e.f. their actual date of appointment on the promotional post. Applicants have filed a replication.

4. We have heard Sh. D.R. Sharma, learned counsel for the applicants as well as Sh. Mukesh Kaushik, learned counsel for the respondents.

5. We have not reproduced pleadings in detail for the simple reason that learned counsel for the applicant has drawn our attention to the case of Vijender Singh and 33 other persons Versus Union of India & Ors., O.A. No. 3710/2003, decided by a D.B. of Principal Bench, New Delhi on 13th May, 2004. We have gone through the same.

6. We find that the facts of that case, the relief claimed and the orders impugned are identical as in the present case. The impugned seniority list, which in the present case is Annexure A-2 dated 4.6.2002, has been quashed and order dated 4.9.2003 which, in the present case, is Annexure A-1, has also been quashed with a direction to respondents to grant notional seniority to all the applicants and that given from the dates when

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the "industrial" of America - which only has as good the South.

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7. Finding the present case fully covered under the
ratio of Judgment in the case of Vilender Singh & Ors.
(Supra), we allow the present D.A. Annexure 21 to be drawn in
Annexure A to the extent, it gives the app. int. to
go to the Appointments to the post of Assistant Engineer,
effect from the date 16.2.2001. We direct the Respondent
to comply with this date in accordance with the order given
by a D.A. Central Administrative Tribunal, New Delhi
Bench, New Delhi in the case of Vilender Singh
(Supra). Needless to mention that the present app. int.
shall also be entitled for consequential benefits as
allowed in the case of Vilender Singh & Ors. (Supra).

Respondents shall comply with the directions above
indicated within a period of three months from the
date of ~~the~~ the ~~order~~ issuance of this order.

MEMBER (ADM)

SEER GLOBALTAL
MEMBER (1991)

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...and the

Source: *Journal of Management Education*, 20(1), 1995, pp. 10-11.

GENERAL INFORMATION

GOVERNMENT OF INDIA
DIRECTORATE GENERAL OF WORKS
CENTRAL PUBLIC WORKS DEPARTMENT

No. 8/26/2005-EC-III

Nirman Bhawan, New Delhi
Dated the 22nd May, 2006

OFFICE ORDER

In partial modification of this Office Order even number dated 17-02-2006, the undersigned is directed to say that in compliance to the directions of the Hon'ble CAT, Chandigarh Bench in OA No. 1260/2003 by its order dated 29th July, 2004 in the case of A. P. Garg & Others Vs UOI & Others, the undersigned is directed to say that notional seniority be fixed as per merit with date of joining as 1st July of the relevant year of the vacancy in respect of those who were a party in the case. Rest will remain same.

(S.L. MEENA)
Deputy Director Admn(SLM)

To

All PAO, CPWD/PWD

Copy to:

1. ✓ ALL ADG/CE/SE(CPA)/EES OF CPWD/PWD
2. ✓ The General Secretary, CPWD Junior Engineers' Association, I.P. Bhawan, New Delhi-110002.
3. ✓ The General Secretary, CPWD Engineers' Association, Ground Floor, 'B' Wing, Outside End, I.P. Bhawan, New Delhi-110002.
4. ✓ The General Secretary, All India CPWD Engineers' Association, B-033, I.P. Bhawan, New Delhi-110002.
5. ✓ PPS/PS/ to DG(W)/ADG(S&P)/ADG(TD)/ADG(B)/CE(Vig.).
6. ✓ PA to DA/DS (A)/DS(W), M/o UD&PA.
7. ✓ Hindi Shakha for Hindi Version.
8. ✓ SO-CR Cell/EC-IV/EC-VI/Stock File /Notice Board.

(GANESH MAHATO)
SECTION OFFICER

ATTESTED
Bhatte
ADVOCATE

Page 6
AUG 29

- 61 -

78

To

The Director General of Works,
C.P.W.D., Nirman Bhawan,
New Delhi-110011

[Through proper channel]

Sub: Grant of Notional Seniority and consequential benefit thereupon.

Ref: Office Order No. 8/26/2005 EC-Kill dated 28-2-2006

This has a reference to Office Order No. mentioned above vide which in compliance with the direction of Hon'ble CAT, Chandigarh Bench in OA 1260/CH/2003 by its order on 29-7-2004 in the case of A.P. Garh and other, the DGW has granted Notional Seniority to the Assistant Engineers who were a party in the case and were appointed from the date and year in which the vacancies arose. In this connection, it is stated that my name appears at Sl. No. 133 vacancy of year 1994-95 as per DGW Office Order No. SE(T)/JE/Dept. Exam/98-99/1710 dated 16-2-2001.

Further, it is stated that I am at present officiating as Assistant Engineer since 16-4-2001. As the seniority list of 'Assistant Engineers' is under consideration, it is not possible for me to give the reference of seniority list. However, my name in the result sheet referred above, lies at Sl. No. 133 of limited Departmental Examination held on 21-2-99 (Photo copy enclosed for your ready reference).

In view of the above, I am entitled for Notional Seniority and consequential benefits w.e.f. 1994-95. it is requested to allow me Notional Seniority and other consequential benefit w.e.f. 1994-95.

Thanking You.

Enclose: As stated above.

Dated, Guwahati,

The 5th June 2006

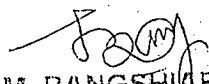
Yours faithfully,

/

(S. M. Bangshiary)
Assistant Engineer (P)
Assam Central Circle-I
C.P.W.D., Bamunimaidan
Guwahati-781021

Copy to:-

1. The Chief Engineer (NEZ), C.P.W.D., Shillong-03.
2. The Superintending Engineer, ACC-I, C.P.W.D., Guwahati-21.


(S. M. BANGSHIARY)

ATTESTED

ADVOCATE

To
The Director General (Works)
CPWD, Nirman Bhawan
New Delhi - 110011.

Dated: 12/12/06

(Through Proper Channel)

Subject: Grant of National Seniority and consequential benefit there upon

Respected Sir,

With due respect and humble submission, I beg to state that Sir, I had made a representation to your good office vide my letter No. Nil dated 29-06-2006 (zerov copy attached) seeking grant of National seniority in the grade of Assistant Engineer (Civil) and also other consequential benefits thereupon with effect from the date and year in which vacancies arose as was done in case of Sri A.P. Garg and other vide your O.M. No. 8/26/2005-EC-III dated 28-02-2006 & No 8/26-2005-EC-III dated 23-05-2006 (zerov copy enclosed) in compliance to the direction of the Hon'ble CAT, Chandigarh Bench in OA No. 1260/2003 dated 29th July 2004.

Sir, more than 4(four) months have been passed but nothing has been heard from your end so far regarding grant of national seniority and other consequential benefits there upon in my case as prayed for, resulting loss of financial benefit for me.

In this regard I would like to apprise you once again that sir, my name is appears at Sl.No. 24 of vacancies year 1994-95 in the result of Limited Departmental Competitive Examination 1999 declared by the CPWD Training Institute, Ghaziabad vide No.SE(T)/JE/Depatt. Exam-98-99/1710 dated 16-02-2001 and my Seniority No. is 2575 in the seniority list issued by your good office vide No.29-01/2002-EC III dated 04-06/2002.

In view of the above, I earnestly request your honour kindly to look in to the matter sympathetically and grant me the National seniority in the grade of AE(Civil) w.e.f 1994-95 (vacancy year) and also grant me the other consequential benefits there upon in my favour without further delay.

It will not be out of place to mention here that there is a Ruling of Hon'ble Supreme Court of India that, justice/ relief allowed to any other person or group of persons in a particular case or situation is equally entitle to any other person or group of persons placed in similar case/ situation for which they not to approach any CAT /Court for justice. However if necessary I may approach to CAT /Court for my litigitum right.

An early action in this regard is highly solicited please

Thanking you

Your faithfully

(L. Sonowal)

Assistant Engineer

Mohambari Aviation Sub-Division
CPWD, Mohambari A.F.

ATTESTED

Bhatta
ADVOCATE

Dated, Imphal the

7/7/06 80

To,

The Director General of Works,
CPWD, Nirman Bhawan,
New Delhi - 110 011.

(Through proper channel)

Subject :- Grant of Notional Seniority and consequential benefit thereupon.
Ref.no. :- Office order no. 8/26/2005 EC-III dt. 28/02/2006.

Dear Sir,

This has a reference to the office order no. mentioned above vide which in compliance with the direction of Hon'ble CAT, Chandigarh Bench in OA 1260/CH/2003 by its order no. 29th July, 2004 in the case of A.P. Garh and others, the DGW has granted National Seniority to the Assistant Engineer who were a party in the case and were appointed from the date and year in which the vacancies arose.

In this connection, it is stated that my name appears at Sl.No. 265 vacancy of year 1995-96 as per DGW office order no. SE(T)/JE/Dept.Exam/98-99/1710 dated 16/2/2001.

Further, it is stated that I am at present officiating as Assistant Engineer since 12-06--2001. As the seniority list of ASSISTANT ENGINEER's is under consideration it is not possible for me to give the reference of seniority list. However my name in the result sheet referred above lies at Sl.No. 265 of limited Deptt. examination held on 21-02-1999.

In view of the above circumstances, I am entitled for National seniority and consequential benefits w.e.f. 1995-96. It is requested to allow me National seniority and other consequential benefit w.e.f. 1995-96.

Thanking you.

Encl. :- As stated above.

Yours faithfully,

(NGIL KIRAN PAU)

Assistant Engineer

MCD-I/MCSD-II, CPWD

Tulihal Airport, Imphal.(Manipur)

Copy to :-

1. The Chief Engineer(NEZ), CPWD, Cleves Colony, Dhankheti, Shillong-03 for favour of information and necessary action please.
2. The Superintending Engineer, Silchar Central Circle, CPWD, Malugram Mela Road, Silchar-02 for favour of information & necessary action please.
3. The Executive Engineer, Manipur Central Division-I, CPWD, Tulihal Airport, Imphal for favour information & necessary action please.

ATTESTED
JBhatta
ADVOCATE

(NGIL KIRAN PAU)

Dated DoomDooma, the 30 /11/2006

To
 The Director General (Works)
 Central Public Works Department
 Nirman Bhawan,
 New Delhi - 110011

(Through proper channel)

Subject: Grant of National Seniority and consequential benefits there upon.

Respected sir,

With due respect and humble submission, I beg to state that sir, I had made a representation to your good office vide my letter no. Nil dated 20.06.2006 (Xerox copy attached) which was forwarded by the office of the Chief Engineer(Elect) EZ, C.P.W.D. Nizam Palace, 234/4 A.J.C. Bose Road, Kolkata-20 under letter no.9/37/97-Admn/Vol-IX-A dated 28.7.2006 (Xerox copy attached) seeking grant of National seniority in the grade of Assistant Engineer(Elect) and also other consequential benefits there upon with effect from the date and year in which vacancies arose as was done in case of Sri A.P. Garg and others vide your O.M. No. 8/26/2005-EC-III dated 28.1.2006 and no.8/26/2005-EC-III dated 25.5.2006(Xerox copy enclosed) in compliance to the direction of the Honorable C.A.T. Chandigarh bench on OA No 1260/2003 dated 29th July 2004 .

Sir, more than 4 (Four) months have been passed but nothing has been heard from your end so far regarding grant of National Seniority and other consequential benefits there upon in my case as prayed for, resulting loss of financial benefit for me .

In this regard I would like to apprise you once again that sir, my name appears at Sl. No. 14 (Eligible candidate for AE(Elect)) vacancy of year 1993-1994 in the result of Limited Departmental competitive Examination 1999 declared by the CPWD Training Institute, Ghaziabad vide no. SE(T)/I/JE/ Depart. Exam/98-99/1710 dated 16.2.01. Further, it is stated that at present I am officiating as Assistant Engineer(Elect) since 3-03-2001. As the Seniority list of the Assistant Engineer(Elect)'s is under consideration, it is not possible for me to give the reference of seniority list. However, my name in the result sheet referred above list Sl. No. 14 (Eligible candidates for AE(Elect)) of Limited Departmental Examination held on 21-02-1999(Photo copy enclosed for your ready reference).

In view of the above, I earnestly request your honour kindly to look in to the matter sympathetically and grant me the National Seniority in the grade of Assistant Engineer(Elect) w.e.f. 1993-94(Vacancy year) and also grant me the other consequential benefits there upon my favour without further delay.

It is not be out of place for mentioned here that this is a Ruling of Honorable Supreme court of India that, Justice/ relief allowed to any other person or group of persons in a particular case or situation is equally entitle to any other person or group of persons placed in similar case/ situation for which they need not to approach any CAT/ Court for justice. However if necessary I may approach to CAT/ Court for Legitimate right.

An early action in this regards is highly solicited please,

Thanking you.

Yours faithfully



(Diken Chandra Boro)
 Assistant Engineer(Elect)
 Elect & Mech. Sub Division
 C.P.W.D DoomDooma

ATTESTED

ADVOCATE

To
The Director General (Works)
CPWD, Nirman Bhawan
New Delhi-110011

Dated 27/11/2006

(Through proper channel.)

Subject: - Grant of Notional Seniority and Consequential Benefits there upon.

Respected Sir,

With due respect and humble submission, I beg to state that Sir, I had made a representation to your good office vide my letter No Nil dated 29-4-2006 (copy attached) which was forwarded to the central office by the Office of The CE (NEZ), CPWD, Shillong under letter No 5/84/2006 Admn at 07-07-2006 (copy attached) seeking grant of Notional seniority in the grade of Assistant Engineer (civil) and also other consequential benefits there upon with effect from the date and year in which vacancies arose as was done in the case of Sri A.P. Garg and other in O.A. No 1260/CH/2003 dated 29/7/2004 of honorable Central administrative Tribunal, Chandigarh branch vide your O.M. No 8/26/2005 -EC-III dated 28/02/2006. & 8/26/2005-EC-III dated 23/05/2006 (Copy attached).

Sir, more than 4 (four) months have been passed but nothing has been heard from your end so far regarding grant of notional seniority and other consequential benefits there upon in my case as prayed for, resulting loss of financial benefit.

In this context, I would like to apprise you once again that Sir, my name is appearing at SL No 17, vacancy year 1994-95 in the result of Limited. Departmental Competitive Examination 1999 declared by the C.P.W.D. Training Institute, Ghaziabad vide No SE (T) I/JE/ Depart Exam/ 98-99/1710 Dated 16/02/2001 and my seniority No is 2563, in the seniority list issued by the central office vide No 29/01/2002-EC-III dated 04-06-2002.

In view of above, I fervently request your honour kindly to look in to the matter sympathetically and grant me the Notional seniority in the grade of AE (civil) w.e.f. 1994-95 (vacancy year) and also grant other consequential benefits there upon in my favour, without further delay.

It will not be out of place to mention here that there is a Ruling of Hon'ble Supreme court of India that justice/ relief allowed to any person or group of persons in a particular case or situation is equally entitled to any other person or group of persons placed in similar case situation for which they need not to approach any CAT/ Court for justice.

An early action in this regard is highly solicited please.

Yours faithfully

H.C. Rabha
27/11/06

(H.C. Rabha), AE(C)
Tezpur central Division
CPWD, Tezpur-784001

(c/c)

ATTESTED
Bhatta
ADVOCATE

To

The Director General of Works,
CPWD, Nirman Bhawan,
New Delhi-110011

(Through proper channel)

Subject: - Grant of Notional Seniority and consequential benefit thereupon

Ref: - Office order No. 8/26/2005 EC-III dated 28-02-2006

This has a reference to Office Order mentioned above vide which in compliance with direction of Hon'ble CAT, Chandigarh Bench in OA 1260/CII/2003 by its order on 29-07-2004 in the case of A.P. Garg and other, the DGW has granted Notional Seniority to the Assistant Engineers who were a party in the case and were appointed from the date and year in which the vacancies arose. In this connection, it is stated that my name appears at Sl. No 259 vacancy of year 1995-96 as per DGW Office Order No. SE (T)/JE/Dept.Exam/98-99/1710 dated 16-02-2001.

Further, it is stated that I am at present officiating as Assistant Engineer since 12/04/2001. As the seniority list of Assistant Engineers is under consideration, it is not possible for me to give the reference of seniority list. However, my name in the result sheet referred above lies at Sl. No. 259 of limited Departmental Examination held on 21-02-99 (Photo copy enclosed for your ready reference)

In view of the above, I am entitled for Notional Seniority and consequential benefits w.e.f. 1995-96. It is requested to allow me Notional Seniority and other consequential benefit w.e.f. 95-96.

Thanking You.

Encl:-As stated above.

Dated: - Silchar the 8th July 06

Yours faithfully.

(R.C. Das)

Assistant Engineer
IBBR (M) Division,
CPWD, Malugram
Silchar-2

Copy to:-

1. The Chief Engineer, IBBR (MZ), CPWD, Paribahan Nagar, Matigara, Siliguri - 28.
2. The Superintending Engineer, Silchar Central Maintenance Circle, CPWD, Silchar-2.
3. The Executive Engineer, IBBR (M) Division, CPWD, Silchar - 2.

R.C. DAS

ATTESTED

Bhattacharya
ADVOCATE

The Director General of Works,
CPWD, Nirman Bhawan,
New Delhi-110011

(Through proper channel)

Subject: - Grant of Notional Seniority and consequential benefit thereupon

Ref. - Office order No. 8/26,2005 EC-111 dated 28-02-2006

This has a reference to Office Order mentioned above vide which in compliance with direction of Hon'ble C.A.T. Chandigarh Bench in OA 1260/CH/2003 by its order on 29-07-2004 in the case of A.P. Gang and other, the DGW has granted Notional Seniority to the Assistant Engineers who were a party in the case and were appointed from the date and year in which the vacancies arose. In this connection, it is stated that my name appears at Sl. No. 321 vacancy of year 1996-97 as per DGW Office Order No. SF (I)-JF/Dept.Exam/98-99/1710 dated 16-02-2001.

Further, it is stated that I am at present officiating as Assistant Engineer since 09/04/2001. As the seniority list of Assistant Engineers is under consideration, it is not possible for me to give the reference of seniority list. However, my name in the result sheet referred above, lies at Sl. No. 321 of limited Departmental Examination held on 21-02-99 (Photo copy enclosed for your ready reference).

In view of the above, I am entitled for Notional Seniority and consequential benefits w.e.f. 1996-97. It is requested to allow me Notional Seniority and other consequential benefit w.e.f. 96-97.

Thanking You

Encls. As stated above.

Dated: - Silchar

Yours faithfully,

(Suresh Pal)
Assistant Engineer
IBBR (M) Division,
CPWD, Malugram
Silchar-2

Copy to:-

1. The Chief Engineer, IBBR (MZ), CPWD, Parbagan Nagar, Matigara, Siliguri - 28.
2. The Superintending Engineer, Silchar Central Maintenance Circle, CPWD, Silchar - 2.
3. The Executive Engineer, IBBR (M) Division, CPWD, Silchar - 2.

ATTESTED

Bhatter
ADVOCATE

08/07/06
SURESH PAL

To

The Director General of Works
CPWD, Nirman Bhawan
New Delhi-110011.

(Through Proper Channel)

Subject :- GRANT OF NOTIONAL SENIORITY AND CONSEQUENTIAL BENEFIT THERE UPON.

Ref :- No 8/26/2005-EC-III, Dated 28/02/2005, Nirman Bhawan, New Delhi.

Sir,

This has reference to order no mentioned above , vide which is compliance to the directions of Honble CAT, Chandigarh Branch in OA no, 1260/CH/2003 by its order on 29/07/2004 in the case of A.P Garg and others Vs UOI & others, the Director General (Works) has granted notional Seniority to the Assistant Engineer(Civil) who were a party in the case and were appointed on the basis of Limited Departmental competitive Examination, 1999 with effect from the date and year in which the vacancies arose (Copy attached).

On the basis of it , with due respect I like to appeal before you that my name appears at Sl No. 01 as per DG(W) No: 30/8/2000 EC III and office order No 7 of 2005 dated 17/January 2005 and in para 03 it is also stated " The position of Seniority list will be intimated later on" .(copy attached).

In this connection I like to state that I am at present officiating as Assistant Engineer since 28/02/2005 and already sent a representation to your good office vide my letter no nil dated 15/06/2006 which had been forwarded to Director General (Works) by the office of the Chief Engineer (NEZ) CPWD, Dhankheti, Shillong vide letter No: 0735 dated 24/07/06 (Copy attached) seeking grant of Notional Seniority in the grade of Assistant Engineer (Civil) and also other consequential benefits there upon with effect from the date and year in the which vacancies arose but Sir, unfortunately though more than 05(Five) month have so far elapsed , nothing has been heard from your end. The resultant financial loss and mental agony is quite comprehensible .

In the view of the above, I fervently request your honour kindly to look in to the matter symphetically and grant me the Notional Seniority in the grade of Assistant Engineer (Civil) and also other consequential benefits there upon in my favour on the basis of the result of Assistant Engineer(Civil) Limited Departmental Competitive Examination 1999 held by CPWD Training Institute on 21/02/1999 at an early date.

Thanking you.

ATTESTED
Bhattacharya
ADVOCATE

Your Faithfully

S 06/12/06
Mrs. Saraswati Konwar
Assistant Engineer(C)
Tezpur Central Division
CPWD, Tezpur

The Director General of Works,
(CPWD) Nirman Bhawan,
New Delhi - 110 011

(Through proper channel)

Subject:- Grant of Notional Seniority and consequential benefit thereupon

Ref:- Office Order No.8/26/2005 EC-KIII dated 28-2-2006.

This has a reference to Office Order No.mentioned above vide which in compliance with the direction of Hon'ble CAT,Chandigarh Bench in OA 1260/CH/2003 by its order on 29-7-2004 in the case of A.P.Garg and other, the DGW has granted Notional Seniority to the Assistant Engineers who were a party in the case and were appointed from the date and year in which the vacancies arose. In this connection, it is stated that my name appears at Sl.No.131 vacancy of year 1994-95 as per DGW Office Order No.SE(T)/JE/Dept.Exam/98-99/1710 dated 16-2-2001.

Further , it is stated that I am at present officiating as Assistant Engineer since 16-4-2001. As the seniority list of ASSISTANT Engineers is under consideration, it is not possible for me to give the reference of seniority list. However, my name in the result sheet referred above, lies at Sl.No.131 of limited Departmental Examination held on 21-2-99 (Photo copy enclosed for your ready reference).

In view of the above, I am entitled for Notional Seniority and consequential benefits w.e.f. 1994-95. It is requested to allow me Notional Seniority and other consequential benefit w.e.f. 94-95.

Thanking you.

Encl: As stated above.

Dated,Guwahati.
The 3rd June '06

Yours faithfully,

(RAMEN BORAH)

Assistant Engineer
Guwahati Central Sub-Division-I,
CPWD,Guwahati-781023.

Copy to:-

- 1) The Chief Engineer(NEZ),CPWD, Shillong-3.
- 2) The Superintending Engineer,ACC-I,CPWD, Guwahati-21.
- 3) The Executive Engineer, GCD,CPWD,Guwahati-21.

(RAMEN BORAH)

ATTESTED
Bhatter
ADVOCATE

To
The Director General (Works)
CPWD, Nirman Bhawan
New Delhi-110011.

Dated: 27/11/2006.

- 70 -

(Through proper channel)

Subject:- Grant of Notional Seniority and consequential benefit there upon.

Respected Sir,

With due respect and humble submission, I beg to state that Sir, I had made a representation to your good office vide my letter No. Nil dated 29-06-2006 (zerox copy attached) which was forwarded by the Office of The CE (NEZ), CPWD, Shillong under letter No. 5/84/2006-Admn. dated 12/07/2006 (zerox copy attached) seeking grant of Notional seniority in the grade of Assistant Engineer (Civil) and also other consequential benefits thereupon with effect from the date and year in which vacancies arose as was done in case of Sri A. P. Garg and other vide your O.M. No. 8/26/2005-EC-III dated 28/02/2006. & No. 8/26/2005-EC-III dated 23/05/2006 (zerox copy enclosed) in compliance to the direction of the Hon'ble CAT, Chandigarh Bench in OA No. 1260//2003 dated 29th July 2004.

Sir, more than 4 (four) months have been passed but nothing has been heard from your end so far regarding grant of notional seniority and other consequential benefits there upon in my case as prayed for, resulting loss of financial benefit for me.

In this regard I would like to apprise you once again that Sir, my name is appears at SL. No. 26 of vacancy year 1994-95 in the result of Limited Departmental Competitive Examination 1999 declared by the CPWD Training Institute, Ghaziabad vide No. SE (T)/JE/Depart. Exam/98-99/1710 dated 16/02/2001 and my Seniority No. is 2579, in the Seniority list issued by your good office vide No. 29/01/2002-EC-III dated 04/06/2002.

In view of the above, I earnestly request your honour kindly to look in to the matter sympathetically and grant me the Notional seniority in the grade of AE (Civil) w.e.f. 1994-45 (vacancy year) and also grant me the other consequential benefits there upon my favour without further delay.

It will not be out of place to mention here that there is a Ruling of Hon'ble Supreme Court of India that, justice/relief allowed to any other person or group of persons in a particular case or situation is equally entitle to any other person or group of persons placed in similar case/situation for which they need not to approach any CAT/Court for justice. However if necessary I may approach to CAT/Court for my letigitum right.

An early action in this regard is highly solicited please.

Yours faithfully,

(LAKHIA RAM PATIR)

Assistant Engineer
Khatkhati Central Sub-Division-I
CPWD, Khatkhati, Assam.

ATTESTED
Bhattacha
ADVOCATE

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A No. 605/87.

DATE OF DECISION : 19.9.1992

R.K. Nafaria .. Petitioner
Shri J.P. Varghese .. Advocate for the Petitioner
Versus ..
Union of India & Ors. .. Respondents
Shri P.P. Khurana .. Counsel for the Respondents

CORAM

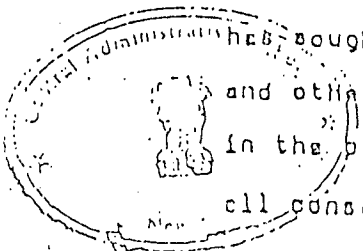
The Hon'ble Mr. S.P. Mukerji, Vice Chairman
The Hon'ble Mr. J.P. Sharma, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgment? *Yes*
2. To be referred to the Reporter or not? *Yes*
3. Whether their Lordships wish to see the fair copy of the Judgment? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

JUDGEMENT

(Hon'ble Shri S.P. Mukerji, Vice Chairman)

In this application dated 1st November 1987 the applicant who is a member of the Scheduled Caste and has been working as a Junior Engineer in the Directorate General of Works, Central Public Works Department, New Delhi has challenged the manner in which he and other Scheduled Caste Junior Engineers were promoted as Assistant Engineer by violating the roster system for reservation of promotion posts and has sought appropriate seniority by antedating ^{the promotion of} his and other Scheduled Caste Junior Engineers included in the panel of promotion as Assistant Engineer with all consequential reliefs including arrears of pay.



ATTESTED
Shatta
ADVOCATE

2. When the case, however, was taken up for arguments, the learned counsel for the applicant stated that the application should be considered only in respect of the individual grievance of the applicant who seeks promotion as Assistant Engineer from 1986 and not from 1987 with all consequential benefits. The brief facts of the case are as follows.

3. The applicant who is a member of the Scheduled Caste, joined service as Junior Engineer on 2.9.76 and as such he was entitled to promotion as Assistant Engineer against a reserved vacancy in accordance with the prescribed roster system. During 1978-79, due to non-availability of eligible Scheduled Caste candidates, 91 posts which were to be filled up by them, had to be filled up by general candidates and there was thus a backlog of 91 reserved vacancies to be filled up by Scheduled Caste/Scheduled Tribe candidates. In 1982 against 174 announced vacancies, a panel of 149 general candidates and 34 Scheduled Caste/Scheduled Tribe candidates ^{was} prepared. Initially the respondents filled up only 50 vacancies all by general category candidates without taking into account the backlog of 91 carried over vacancies and 34 vacancies to be filled up by SC/ST candidates. According to the applicant, in the first batch of 50 Junior Engineers who were promoted as Assistant Engineers, at least 50%, i.e., 25 vacancies should have gone to the SC/ST candidates to make up the short-fall of 91 vacancies and availability of 34 SC/ST candidates included in the panel. The applicant's grievance is that even if according to his seniority and position in the panel

ATTESTED

Shatta
ADVOCATE

prepared in 1982 he could not have been appointed against the 25 reserved vacancies out of 50 vacancies wrongly filled up by general candidates in November 1983, his chances of earlier promotion were destroyed by the respondents by promoting 45 general candidates from the panel of 1982, in December 1983 even though 22 of these vacancies should have gone to the Scheduled Caste/Scheduled Tribe candidates. In that case, he should have been promoted in December 1983. It may be mentioned that in the panel of 174, the position of the applicant amongst the 34 Scheduled Caste candidates was third from the bottom. His earlier representations have not brought forth any results.

4. The respondents have not filed any counter affidavit despite several opportunities given to them. Accordingly, we heard the learned counsel for both the parties with the following results.

5. The main point which falls for decision is whether, when vacancies which are filled up at different points of time in batches from a larger panel, the reservation points can be ignored for each batch in preference to the position in the panel where Scheduled Caste and Scheduled Tribe candidates occupy much lower positions. While the learned counsel for the applicant states that for each batch the roster points should be taken into account out of 40 point or 100 point roster as prescribed for determining the number of reserved vacancies, the learned counsel for the respondents argues that sequence of filling up vacancies in one lot or in

ATTESTED

Bhatta

ADJUDICATOR

167

batches should follow the sequence in the panel. This argument goes counter to the spirit of reservation. The roster points whether on a 40 point or 100 point basis is a running roster which has to be taken into account as and when the vacancies are filled up. For each batch covering a particular span of points, the number of vacancies reserved for Scheduled Caste and Scheduled Tribes is determined by the reserve points in the roster which fall within that span. Therefore in the first batch of 50 vacancies filled up in November 1983, the respondents should have applied the roster and appointed the SC/ST candidates from the panel in the order of their position in the panel. This should have been followed in the second batch of 45 vacancies filled up in December 1983, to the number of reserve vacancies arising from the roster should have been added the back-log of carried forward vacancies from 1978-79 and not more than 50% of the vacancies in each batch should have gone to the SC/ST candidates in the panel of 1982. The learned counsel for the applicant brought to our notice the decision of the Principal Bench of the Tribunal dated 31.7.1991 in O.A 1301/90 rendered by the Hon'ble Justice U.C.Srivastava, Vice Chairman. In that case, the applicant a Scheduled Tribe candidate was 16th in the panel of 16 officers for promotion as Assistant Labour Commissioner. He was not promoted because of his low position, even though in accordance with the 40 point roster, point No.4 was to be made available to him.

27

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The following extracts from that judgment would be relevant:-

"10. We have gone through the entire records of the case. The position regarding the post of promotion is clear. The OPC declared a panel of 16 members and later on, it was found that 12 vacancies have existed. Whatever may be the position, according to the roster point, one vacancy was to go to the applicant (ST). This has also been admitted by the respondents. As such, the applicant was wrongfully deprived of the promotion and accordingly, he is entitled to be promoted to the said post w.e.f. the date others were promoted."

The following extracts from the Ministry of Home Affairs O.M.No.10/52/73-Estt.(SCT), dated 24th May, 1974, would also be pertinent:-

"Since in the case of direct recruitment through examination, generally all the selected candidates are appointed simultaneously, the question as to which order of appointments should be made against reserved vacancies, will not arise normally. However, a case has come to the notice of this Department in which all the candidates selected for appointment by direct recruitment through examination could not be appointed at the same time and offers of appointment were sent to a few candidates only, without however taking into account the reservations for Scheduled Castes and Scheduled Tribes which would have become due separately in those appointments. The remaining candidates were appointed in subsequent batches. As a result, some of the Scheduled Castes/Scheduled Tribes candidates who should have been appointed in the first batch itself were appointed only in the second batch. Where all appointments through examination for direct recruitment cannot

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be made simultaneously, the correct procedure would be to determine the number of vacancies to be reserved for Scheduled Castes and Scheduled Tribes separately according to the roster in each batch of appointments and to make appointment of the required number of general and Scheduled Castes/Scheduled Tribes candidates in the batch,"
(emphasis added)

6. In the facts and circumstances we allow the application to the extent of directing the respondents to follow the 40 point roster for each batch of vacancies filled up in November, 1983, December, 1983 and subsequently and include the back-log of carried forward reserved vacancies also, subject to the condition that not more than 50% of the vacancies of each batch should be filled up by Scheduled Caste/Scheduled Tribe candidates from the panel of 1982. The applicant should be given notional promotion as Assistant Engineer in his turn in the panel against the reserved vacancies of each batch so reckoned. His date of actual promotion should be antedated to the date of notional promotion on the above basis with all consequential benefits including that of seniority in the cadre of Assistant Engineer. Action on the above lines should be completed within a period of three months from the date of communication of this order. There will be no order as to costs.

Stamp: J.P. Shorut, Judicial Member

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18-9-80

(S.P. Mukerji)
Vice Chairman

ATTESTED

Signature: Advocate
Stamp: ADVOCATE
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