

**Central Administrative Tribunal
Jabalpur Bench**

OA No.211/05
&
OA No.112/05

Jabalpur, this the 21st day of July 2006.

CORAM.

Hon'ble Dr. G.C. Srivastava, Vice Chairman
Hon'ble Mr. A.K. Gaur, Judicial Member

OA No.112/05

N.S.Rajput
S/o Shri Ajab Singh Rajput
Junior Engineer (CPWD)
Presently posted at Central
Electric Sub Division
Neemuch and
Divisional Office Indore (M.P.)

(By advocate Shri K.S.Rajput)

Versus

1. Union of India through the Secretary
Ministry of Urban Development
New Delhi.
2. Director General of Works
CPWD, Nirman Bhawan
New Delhi.
3. Additional Director General
Chief Engineer (Training)
CPWD, Nirman Bhawan
New Delhi.

(By advocate Shri S.K.Mishra)

OA No.211/05

O.P.Mishra
Son of Shri Ghanshyam Das Mishra
Presently posted at Central Electric
Sub Division-I

Gwalior and Divisional Office
Gwalior Central Electrical Division
Gwalior (M.P.)

Applicant

(Advocate Shri K.S.Rajput)

Versus

1. Union of India through the
Secretary
Ministry of Urban Development
New Delhi.
2. Director General of Works
CPWD, Nirman Bhawan
New Delhi.
3. Additional Director General
Chief Engineer (Training)
CPWD, Nirman Bhawan
New Delhi.

Respondents

(By advocate Shri S.K.Mishra)

ORDER

By A.K.Gaur, Judicial Member

Since the facts are identical and the dispute is same, both the Original Applications are disposed of by this common order:

2. Applicants in both cases have sought issue of a direction to the respondents to produce the record relating to the examination of the year 1999 and a further direction to them to clarify the marks obtained by the applicants separately in the written examination as well as evaluation of annual confidential reports and if the applicants are found fit on the basis of the evaluation of the marks, to direct them to promote the applicants to the post of Assistant Engineer.
3. The grievance of the applicants is that they have not been awarded any marks in the evaluation of ACR. The applicants who were appointed as Junior Engineer in 1993 appeared in the Departmental Competitive Examination conducted by the respondents in the year 1999 for promotion to the post of Assistant Engineer. According to the applicants, the examination consisted of two parts –
(i) written examination which consisted of two papers carrying 300

marks each totaling 600 marks and (ii) evaluation of service record carrying 200 marks. It is contended that the applicant in OA No.211/05 obtained 377 marks and the applicant in OA No.112/05 obtained 399 marks in aggregate respectively. It is alleged in the applications that the marks awarded to the applicants have been shown in aggregate and the same did not reflect how much marks have been awarded to them in respect of the written examination and the performance of work on the basis of the confidential report. The applicants pleaded that if the marks awarded to them for their performance of work are included, they would be eligible for promotion to the post of Assistant Engineer. Repeated representations submitted by the applicants in this regard evoked no response from the respondents.

4. In order to resolve the controversy, The Tribunal vide its order dated 25.4.2006 directed the respondents to produce the records. Today Shri S.K.Mishra, learned additional standing counsel, produced the mark sheets of the Limited Departmental Competitive Examination for the post of Assistant Engineer, before us, and we have seen that the marks have been awarded on two counts (i) written examination i.e. M1 & M2 and (ii) ACR. Hence there is no basis for the allegation of the applicants that the marks were awarded ~~on~~ the written part only. In our considered view, there is no merit in the original applications. Accordingly, the original applications are dismissed. No costs.

A.K.Gaur
(A.K.Gaur)
Judicial Member

Dr.G.C.Srivastava
(Dr.G.C.Srivastava)
Vice Chairman

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