

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
CIRCUIT COURT SITTING AT GWALIOR

Original Application No. 437/2003

Gwalior, this the 11th day of October, 2004

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. A.S. Sanghvi, Judicial Member

1. Jitendra Singh S/o Shri H.B. Singh
aged about 39 years, Fitter
General Mechanic, H.S.-II R/o
16-A, Tripathi Nagar, Nadipor Tol,
Murar, Gwalior(MP)
2. Rakesh Kumar Jaiswal S/o Shri B.S.
Jaiswal, aged about 39 years,
Fitter General Mechanic, H.S.-II,
R/o P-242/2 MES Colony, Air Force
Station, Maharajpur, Gwalior,
3. Sunil Sengar S/o Late Shri
N.S. Sengar, aged about 40 years,
Fitter General Mechanic, H.S.-II
R/o Quarter No. P-247/4, MES
Station, Maharajpur, Gwalior.

APPLICANTS

(By Advocate - Shri S.Paul)

VERSUS

1. Union of India,
Through : its Secretary, Ministry
of Defence, New Delhi.
2. Chief Engineer, Central Command,
Military Engineering Services,
Head-quarter, Lucknow(UP)
3. Zonal Chief Engineer
Military Engineering Services,
Bangrolli, Allahabad(UP).
4. Commander Works Engineer(A.F.)
MES, Maharajpur, Gwalior.

RESPONDENTS

(By Advocate - Shri K.N. Pethia on behalf of Shri B.da.silva)

O R D E R (ORAL)

By A.S. Sanghvi, Judicial Member-

The applicants have approached this Tribunal under
Section 19 of the Administrative Tribunals Act 1985 seeking
the following main reliefs :-

"(ii) to issue a writ in the nature of
certiorari quashing the impugned order dated 5.6.2003
(Annex.A/6) and holding that the applicants are eligible
to be considered for direct recruitment/promotion on the
post of Junior Engineer(E/M).

(iii) to issue a writ in the nature of mandamus commanding the respondents to consider the cases of the applicants for the post of Junior Engineer (E/M).

(iv) to direct the respondents to consider the cases of the applicants, if they are found to be suitable for promotion from the date other persons/contemporary/juniors are promotion on the post of Junior Engineer (E/M) with all consequential benefits."

2. ^{When} ~~The~~ the applicants moved this Original application, by way of interim relief, ~~where~~ the respondents were directed to permit the applicants to appear in the examination for the posts of Junior Engineers from the departmental candidates. The respondents are also directed to keep their result in sealed covers till further orders. The applicants' case was that they were very much eligible to take the examination but they were denied an opportunity to take the examination for the posts of Junior Engineers.

3. In response ^{to} the OA filed by the applicants, the respondents in their reply have categorically stated that ^{the} subsequently ~~the~~ matter was taken up at the Headquarter level and the decision is taken that, all three years diploma holders shall be eligible for consideration for promotion to the posts of Junior Engineers. In view of the decision taken by the Headquarter the applicants automatically become eligible to be considered for the posts of Junior Engineers. However, Mr. S. Paul learned counsel appearing for the applicants informed us that no examination ~~was~~ is conducted by the respondents as on today for the posts of Junior Engineers. Hence, he has further prayed for a direction to the respondents to conduct such an examination at the earliest. Since this OA is moved only for the limited purpose of directions to the respondents to consider the applicants for the posts of Junior Engineers and permit ~~to~~ them to appear in the examination to be conducted by the respondents, ^{a from issuing any} ~~We are refraining to the prayer of a~~
~ such direction as prayed by the

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the applicants for holding the examination at the earliest but we ^{expect} ~~accept~~ that such an examination shall not be delayed by the respondents. We also ^{expect} ~~accept~~ that decision taken by the headquarter to permit all the applicants who have completed three years diploma course to participate in the examination will be implemented and the applicants will be allowed to take examination as and when the same is conducted. With this observation the OA stands disposed of. No costs.

A. S. Sanghvi
(A.S. Sanghvi)
Judicial Member

M. P. Singh
(M.P. Singh)
Vice Chairman

"SA"

पृष्ठांकन सं ओ/न्या.....जबलपुर, दि.....

संक्षिप्त विवरण :-

- (1) सविता उद्योग संस्थान, जबलपुर
- (2) आर्थिक संस्थान, जबलपुर
- (3) प्रत्यक्ष शिक्षण संस्थान, जबलपुर
- (4) व्यवसायिक शिक्षण संस्थान, जबलपुर

सूचना एवं आवश्यक कार्यवाही हेतु

उप रजिस्ट्रार

S. Paul
KW Pethia

Issued
On 19/10/04
BS