

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

C.P. No. 193/2017
O.A. No. 1715/2014

New Delhi, this the 4th day of September, 2017

HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MS. NITA CHOWDHURY, MEMBER (A)

1. Indian Defence Service of Engineers
Association, Room No.173,
E-n-C Branch, Military Engineer Services,
Kashmir House, Rajaji Marg,
New Delhi
Through its President.

2. Shri Veer Singh Yadav, EE,
S/o Shri R.R. Yadav,
GE (West), Delhi Cantt.

... Petitioners

(By Advocate: None)

Versus

1. Shri G. Mohan Kumar,
Secretary,
Ministry of Defence,
South Block, New Delhi.
2. Lt. General Sanjeev Talwar,
Engineer-in-Chief,
Kashmir House,
Army Headquarters,
New Delhi.
3. Lt. General Suresh Sharma,
Engineer-in-Chief,
Kashmir House,
Army Headquarters,
New Delhi.

... Respondents

(By Advocate : None)

ORDER (ORAL)**By Mr. V. Ajay Kumar, Member (J)**

None for the parties.

2. O.A. No.1715/2014 is filed by the applicants aggrieved with the non-implementation of the decision of the meeting of the Cadre Review Committee dated 22.09.2011 to convene the next cadre review meeting after one year. The O.A. was disposed of by an order dated 19.08.2016 as under:

“23. In view of the discussion above, we find the cadre review has to be mandatorily held after every five years and there is no escape from the same; and that maintaining balance between the different components is a matter of policy that lies within the Government domain. Taking recourse to others subterfuge like not holding the cadre review is only means of postponing the crises and makes the situation worse. It leaves a whole lot of dissatisfied staff behind. Since the decision of holding a cadre review after one year as per the meeting of Cadre Review Committee on 22.09.2011 has lapsed on account of delay by the inaction of the respondents, we quash and set aside the order dated 05.02.2015. Accordingly, we allow the OA with directions to the respondents that the 4th Cadre Review Committee should be notified within a period of three months from the date of production of a certified copy of this order. The MAs also stand disposed of. No costs.”

3. The Review Application No.240/2016 filed by the respondents in the O.A. No. 1715/2014 was dismissed by an order dated 07.11.2016.

4. The Hon'ble High Court of Delhi in WPC No.3882/2017 filed by the respondents questioning the aforesaid orders passed an order on 05.05.2017, which reads as under:

“The submission of Mr. Chhibber, learned counsel for the petitioners is that the petitioners shall definitely undertake the

next cadre review in the year 2018 considering the fact that the decision of the Cadre Review Committee dated 29.02.2011 was implemented on 07.06.2013.

Let the Engineer-in-Chief file his own affidavit of undertaking in this respect. The affidavit should state as to by which date the cadre review shall be undertaken; and should also disclose the schedule for conducting preparatory steps for holding the cadre review; and for convening the meeting of the Cadre Review Committee. The affidavit be filed within three weeks.

Subject to compliance of the aforesaid, issue notice. Mr. Sharma accepts notice on behalf of the respondents. Counter-affidavit be filed within six weeks. Rejoinder, if any, be filed before the next date.

Learned counsel for the respondents, on instructions, states that the respondents shall not press the contempt petition in the meantime. The contempt proceedings shall be adjourned before the Tribunal.

List on 04.08.2017.

Dasti.”

5. Since the Hon’ble High Court has seized of the matter, as observed above, the instant CP is closed and notices are discharged. However, the petitioners are at liberty to avail their remedies, in accordance with law, once the WPC is finally decided.

(Nita Chowdhury)
Member (A)

(V. Ajay Kumar)
Member (J)

/Jyoti /