

# **Central Administrative Tribunal Principal Bench, New Delhi**

O.A. No.1739/2014  
M.A. No.3785/2016

Thursday, this the 4<sup>th</sup> day of May 2017

**Hon'ble Mr. V. Ajay Kumar, Member (J)  
Hon'ble Mr. K.N. Shrivastava, Member (A)**

1. Indian Defence Service of Engineers Association  
(through its President)  
Room No.173,  
E-in-C's Branch  
Military Engineering Service  
Kashmere House, Rajaji Marg  
New Delhi
2. Mr. Rakesh Sharma  
s/o Mr. S N Sharma  
aged 55 years  
Superintending Engineer  
Room No.173  
E-in-C's Branch  
Military Engineering Service  
Kashmere House, Rajaji Marg  
New Delhi

..Applicants

(Mr. Vinay K. Garg, Senior Advocate and Mr. Rajesh Katyal, Mr. Neeraj Sharma & Ms. Noopur Dubey, Advocates with him)

Versus

Union of India through

1. Secretary  
Ministry of Defence  
South Block, New Delhi
2. Secretary, DOPT  
North Block, New Delhi
3. Engineer in Chief  
Through its Director, E-1A, IHQ of  
Ministry of Defence (Army)  
New Delhi

..Respondents

(Dr. Ch. Shamshuddin Khan, Advocate)

## **O R D E R (ORAL)**

**Mr. V. Ajay Kumar:**

Heard both sides.

2. The first applicant in the O.A. is the Indian Defence Service of Engineers Association and the second applicant is Superintending Engineer and member of the said Association. The O.A. has been filed seeking the following reliefs:-

- “a. Quash and set aside the impugned compendium of channel of reporting for rendition of ACR's (Now APAR) MES CGOs, 2004 or report to the extent the same adversely affects the Applicants.
- b. To direct the Respondents to resolve the issue of equivalence between IDSE officers and Army Officers within a time bound schedule.
- c. To direct the Respondent No.1 to adopt uniform designations for civilian officers and army officers.
- d. To direct the Respondents to make non-discriminatory officiating arrangements in absence of regular chief engineers and other posts in MES.
- e. To award costs in favour of the Applicants and against the Respondents.”

3. On 27.10.2015, this Tribunal directed the applicants to bring a draft proposal containing the manner in which the civilian engineers in the MES can be posted in a manner that their ACRs are not required to be initiated by an officer, who is working in the same grade pay in which the officer reported upon is working. In pursuance

of the same, the applicants have submitted their draft proposal on 07.12.2015.

4. Learned counsel appearing for the respondents drew our attention to the Office Memorandum dated 28.09.2016 whereunder the respondents have constituted a High Level Committee to look into the structure of Zonal CEs in MES and suggest remedial measures. The terms of reference for the High Level Committee were also clearly mentioned in the Annexure to the said Office Memorandum. He further submitted that since the respondents have already taken steps for constituting the Committee to address the grievances of the applicants, no further orders are required in this O.A.

5. In the circumstances and in view of the constitution of the Committee to address the terms of reference, including some of the contentions raised by the applicants, the OA is disposed of without going into the merits of the case by directing the respondents to take a final view on the terms of reference mentioned in Office Memorandum dated 28.09.2016 and also on the draft proposal dated 07.12.2015 filed in this OA by the applicants, and also arrange/facilitate an opportunity of personal hearing to the applicant-Association by the Committee. The Committee may also take into consideration all the averments and counter averments made in the OA before taking a final view in the matter. This exercise shall be completed within a period of three months from the date of receipt of a copy of this order. The applicants are at liberty to avail their remedies in accordance

with law, if they are aggrieved with the final view taken by the respondents. No costs.

In view of the aforementioned order, pending M.As., if any, shall stand disposed of.

**( K.N. Shrivastava )**  
**Member (A)**

**( V. Ajay Kumar )**  
**Member (J)**

**May 4, 2017**  
**/sunil/**