

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

Original Application No. 260/00280 of 2015
Cuttack, this the 26th day of September, 2017

CORAM
HON'BLE MR. S.K.PATTNAIK, MEMBER (J)
HON'BLE DR. M. SARANGI, MEMBER (A)

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Balabhadra Sabar
aged about 44 years
son of Shri Madhab Sabar,
as present working as Upper Division Clerk
under office of the Executive Engineer, Bhubaneswar,
Central Division No.III, CPWD, Unit-8, PO: Nayapalli,
Bhubaneswar, Dist, Khurda.

...Applicant

(By the Advocate-M/s. T. Rath, T. K. Nayak)

-VERSUS-

Union of India Represented through

1. The Director General, Central Public Works Department, Ministry of Urban Development, Government of India, Nirman Bhawan, New Delhi, PIN-110011.
2. Executive Engineer, Bhubaneswar Central Division No.III, CPWD, Unit-VIII, Nayapalli, Bhubaneswar, Dist-Khurda, Odisha, PIN-751012.
3. Assistant Director General(Trg.), CPWD Training Institute (Examination Cell), Kamla Nehru Nagar, Hapur Road, Ghaziabad (UP), PIN-201002.
4. Controller of Examination and Chief Engineer(Trg.) (Civil) CPWD Training Institute(Examination Cell), Kamla Nehru Nagar, Hapur Road, Ghaziabad (UP), PIN-201002.
5. The Secretary, Ministry of Human Resource Development C-1/2, Lodhi Garden, New Delhi-110003.

...Applicant

Advocates: Mr. B.P.Nayak

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O R D E R

S.K.PATTNAIK, MEMBER (JUDL.):

The applicant had filed this O.A. for quashing of Para-3 of the order dated 17.04.2015 (Annexure-A/8) wherein there was a bar for appearing in the Limited Departmental Competitive Examination, 2015 for the post of JE (Civil/Electrical) in respect of candidates who had taken admission in a course for acquiring Engineering Diploma/Degree through distance mode education/correspondence course from various deemed Universities/Institutions after 29.07.2009. The other prayer of the applicant was to allow him to participate in the LDCE, 2015 in terms of the advertisement dated 23.01.2015 (Annexure-A/3).

2. This Tribunal as an interim measure directed the Respondents to allow the applicant to sit in the examination and further directed that the result will not be declared without leave of this Tribunal.

3. The grievance of the applicant, at present, is that even though the result of qualified candidates for Civil Engineering was published on 17.06.2016 (Annexure-A/13) but, in view of the stay order, his result has been withheld due to pending Court cases. Ld. Counsel for the applicant submitted that in respect of other candidates, who had not approached this Tribunal, the Department taking an undertaking had not only allowed them to sit in the examination but also has provisionally allowed them the benefit of promotional post subject to the outcome of the judgment of the Hon'ble Supreme Court of India in the matter of Shri

Kartar Singh Vs. Union of India (SLP No. 35793-35796/2012), who had acquired qualification by distance education mode.

4. Ld. Counsel for the Official Respondents has no serious objection to such proportion.

5. Since there is nothing to be adjudicated in this O.A. at present, the O.A. is disposed of with liberty to the Respondents to treat the case of the applicant at par with the similarly situated persons and, if necessary, taking an undertaking from the applicant so that he can be dealt at par with other similarly situated candidates, who have passed in the competition examination. The entire exercise be completed preferably within a period of one month. There shall be no order as to costs.

(M. SARANGI)
Member (Admn.)

(S.K.PATTNAIK)
Member (Judl.)

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