

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Friday 07th day of December Two Thousand And Eighteen

PRESENT:

THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

THE HON'BLE MR. P. MADHAVAN, MEMBER(J)

MA No.668 of 2018

In

O.A. No1612 of 2018

&

O.A. No.1612 of 2018

1. M. Balasundaram,
S/o. C. Munusamy,
No.52, 3rd Street, Jayalakshmipuram,
Nungambakkam, Chennai- 600 032;
2. I. Srinivasa Naik,
S/o. Late I Venkatesh Naik,
G1 Maaster Sridhevi Apartments,
6, Zackria Colony Main Road,
Kodambakkam, Chennai- 600 024;
3. R. D. Shajikumar,
S/o. Shri P.N. Damodharan Pillai,
S-4, Aadhunik Apartments,
5-10, Sundarami Salai,
Mogappair,
Chennai- 600 037.

....Applicants in both MA & OA

(By Advocate: M/s. K. Mohanamurali)

Versus

1. The Union of India through
The Secretary,
Ministry of Housing and Urban Affairs,
Nirman Bhawan, Maulana Azad Road,
New Delhi- 110 011;

2. The Secretary (Personnel),
Department of Personnel & Training,
North Block, New Delhi- 110 001;
3. The Director General,
Central Public Works Department,
Nirman Bhawan, Maulana Azad Road,
New Delhi- 110 011;
4. Shri Ramayan Prasad Gupta,
Executive Engineer(E),
Bhopal Central Electrical Division,
Central Public Works Department,
52-A, Nirman Sadan,
Arera Hills, Bhopal,
Madhya Pradesh- 462 011;
5. Shri Dharendra Chaudhary,
Executive Engineer (Electrical),
Vigyan Bhawan Electrical Division,
Central Public Works Department,
Vigyan Bhawan, Maulana Azad Road,
New Delhi- 110 011;
6. Shri Manoj Kumar Sonkar,
Executive Engineer (Electrical),
IIT Jodhpur Project Electrical Division,
Central Public Works Department,
Jodhpur, Rajasthan- 342 001;
7. Shri Rajan Agarwal,
Executive Engineer (Electrical),
IIT Indore Project Electrical Division,
Central Public Works Department,
Indore, Madhya Pradesh- 452 001.

...Respondents in both MA & OA

(By Advocate: Mr. Su. Srinivasan- R1-R3
Mr. Vaibhav Karla R4-R7))

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member (A))

Heard. As the grievance agitated and the relief sought by the applicants in the OA appear to be the same, MA 668/2018 for joining together to file a single OA is allowed.

2. Heard M/s. K. Mohana Murali, Learned counsel for the applicant and Mr. Su. Srinivasan, Ld. Sr. CGSC who takes notice for respondents 1 to 3 and Mr. Vaibhav Kalra, Ld. Counsel, who takes notice for respondents 4 to 7. This O.A. has been filed by the applicant seeking the following reliefs:-

"A) i) Calling for the entire records pertaining to the Office Memorandum No. 5/12/2018/VCC/ECII(B) dated 26.10.2018 thereby announced consideration of grant of Adhoc promotion to some of the Executive Engineers (Civil and Electricals) issued by the 3rd respondent,

ii) Office Memorandum letter F No. 13/01/2018/EE(E)/CR Cell dated 05.11.2018 issued by the 3rd respondent, and

iii) Reminder in Ref. No. 5/12/2018/VCC/EC-II(B) dated 14.11.2018 issued by the 3rd respondent and quash the same so far as it concerned with promotion of respondent 4 to 7.

B) Complete the exercise of regularization of Executive Engineers promoted from Assistant Engineers' quota, as done for Executive Engineers promoted from Assistant

Executive Engineers quota, as per 1996 RRs or current applicable Recruitment Rules.

C) And thereby directing the 3rd respondent to issue the final seniority list as per the orders in WP(C) 2562 of 2002 and 489 of 2000 on 05.12.2008, WP(C) 840 of 2003, WP(C) 858 of 2003 dated 22.07.2014 passed by the Hon'ble High Court of Delhi prevailing DoP&T instructions/guidelines/Office Memorandums in Ref. 9/11/55/RPS dated 22.12.1959, Ref. 35014/2/80-Est/D) dated 07.02.1986, Ref. 20020/4/89-Estt.(D) dated 07.02.1990 and Ref. 20011/1/2012-Estt.(D) dated 04.03.2014 in regard interse seniority when promotion is made from more than one feeder cadre and as per the specified quota in Recruitment Rules;

D)Further directing the 3rd respondent to promote the Executive Engineers to the grade of Superintending Engineers only after completing exercise of regularization of Executive Engineers promoted from Assistant Engineers quota and after finalization of seniority list as requested vide 8(c) above. "

3. It is submitted that the applicants were aggrieved by the alleged non-observance of the rule of 1:1:1 for promotion of Assistant Executive Engineers, Assistant Engineers (Degree Holders) and Assistant Engineers (Diploma Holders) to Electrical Engineer, because of which their right to be promoted as Electrical Engineers had been violated. The applicants made

representations attached to Annexure A-20, covering letter dated 05.11.2018 by which the same were forwarded to the competent authority and which had not been responded to till date. Accordingly, Ld. Counsel for the applicants submits that the applicants would be satisfied if the competent authority is directed to consider the representations in accordance with law and pass a reasoned order within a time to be set by the Tribunal.

4. Keeping in view the limited relief sought by the applicants, the O.A. is disposed of with a direction to the competent authority to consider the representations attached to Annexure A-20, covering letter dated 05.11.2018 to the competent authority in accordance with law and pass a reasoned and speaking order within a period of two months from the date of receipt of a copy of this order.

5. OA is disposed of at admission stage in the above terms without touching on the merits of the case. No costs.

(P.MADHAVAN)
MEMBER (J)

(R. RAMANUJAM)
MEMBER (A)

07.12.2018

Asvs.