

**Central Administrative Tribunal
Principal Bench**

OA No.177/2019

New Delhi, this the 9th day of April, 2019

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)

1. Mr. Gajender Sharma
Superintending Engineer
Age About 52 years, Group 'A'
S/o Sh. R.N. Sharma,
R/o 212-A, DDA Flats,
Jhilmil Colony, Delhi-110095.
2. Mr. Veerpal Singh
Superintending Engineer
Age About 60 years, Group 'A'
S/o Late Sh. Sohan Pal Singh,
R/o A-5, Gali No. 1, East Nathu Colony,
Shaipur, Delhi-110093.
3. Mr. Manish Sagar,
Superintending Engineer
Age About 53 years, Group 'A'
S/o Sh. S.D. Sagar,
R/o 39, Star Apartment, Sector-9
Rohini, Delhi-110085.
4. Mr. Vijay Pal Singh,
Executive Engineer
Age About 50 years, Group 'A'
S/o Sh. Puran Singh,
R/o 248, Dharam Kunj Apartment,
Sector -9, Rohini, Delhi-110085.
5. Mr. Kuldeep Singh,
Executive Engineer
Age About 48 years, Group 'A'
S/o Sh. Hari Ram,
R/o C-498, Saraswati Vihar,
Delhi-110034

6. Mr.Syeed Abdul Awaal
Executive Engineer
Age About 51 years, Group 'A'
S/o Sh.Syeed Mosiur Rehman,
R/o H.-4/58, 2nd Floor
Sector-16, Rohini
Delhi-110085
7. Mr. Pawan Kumar Aggarwal
Executive Engineer
Age About 55 years, Group 'A'
S/o Late Sh. B.P.Aggarwal,
R/o 188, Kewal Kunj Apartment,
Sector-13, Rohini, Delhi-110085
8. Mr. D.K. Sharma,
Executive Engineer
Age About 54 years, Group 'A'
S/o Late Sh.K.P. Sharma,
R/o K-1,. 404, Kingssbury TDI
Kundali, Sonipat, Haryana
9. Mr. Arvind Kumar Gupta
Executive Engineer
Age About 55 years, Group 'A'
S/o Late Sh. B.N. Gupta,
R/o H-3/192, Sector-16
Rohini Delhi-110085
10. Mr. Nitin Nandwani,
Assistant Executive Engineer
Age About 28years, Group 'A'
S/o Sh.P.K. Nandwani,
R/o C4-H Block, Flat No. 86
2nd Floor , Janakpuri, Delhi-110058
11. Ms. Pratibha Singh
Assistant Executive Engineer
Age About 27years, Group 'A'
D/o Sh. Vijay Kumar
R/o C-23, Ground Floor
Paryavaran Complex, Saket
Delhi-110030

12. Mr. Ajeet Kumar
Assistant Executive Engineer
Age About 32 years, Group 'A'
S/o Sh.A.K. Pandey
R/o Flat No. 2124, ATS Kocoon
Sector-109, Gurugram
Haryana-122017

 13. Mr. Shobhite Kumar
Assistant Executive Engineer
Age About 34 years, Group 'A'
S/o Sh.Umesh Kumar
R/o B-612,Gaur Estate
Rajnagar Extn. Ghazoabad
U.P.-201017.

 14. Mr. Qazi Furqan Ahmad,
Assistant Executive Engineer
Age About 44 years, Group 'A'
S/o Late Sh.S.H. Siddiqui
R/o F-3/26, Street No. 15
Gurudwara Mohalla
Moujpur, Delhi-110053
- ... Applicants.

(By Advocates : Shri A. P. Dhamija and Shri Madhav Shah)

Vs.

Delhi State Industrial & Infrastructure
Development Corporation Ltd.(DSIIDC Ltd.)
Through its Managing Director
N-36, Bombay Life Building
Connaught Circus, New Delhi-110001.

(By Advocates : Shri P. N. Misra, Senior Advocate with Shri
J. K. Sahoo and Shri Nayan Dubey for Shri Gaurang
Kanth)

: O R D E R (ORAL) :**Justice L. Narasimha Reddy, Chairman:**

This OA is filed challenging the Circular dated 28.12.2018 issued by the respondents proposing to absorb on permanent basis, the Engineers at various levels who are working on deputation in the respondent organisation. The principal ground urged by the applicants is that the Recruitment Rules do not provide for absorption, and the circular cannot be sustained in law.

2. The respondents filed a counter affidavit stating *inter alia* that the Recruitment Rules have been amended on 22.01.2019 providing for such absorption.

3. We heard Shri A. P. Dhamija with Shri Madhav Shah, learned counsel for the applicants and Shri P. N. Misra, Senior Advocate, Shri J. K. Sahoo and Shri Nayan Dubey for Shri Gaurang Kanth, learned counsel for the respondents.

4. The grievance of the applicants is vis-a-vis the Circular dated 28.12.2018. Their plea that it cannot be sustained in law since the Recruitment Rules do not provide for absorption, stands fortified on account of the fact that the respondents have themselves felt that necessity and amended the rules on 22.01.2019 providing

for absorption. In that view of the matter, the circular has become redundant. Learned counsel for the respondents submits that it shall be treated as having been withdrawn. Naturally, any order passed on the basis of the said circular shall also stand set aside.

5. The OA is accordingly disposed of taking the view that the impugned circular and orders passed on the basis of the same shall have no legal sanctity. In case the applicants feel aggrieved by the amendment of the Recruitment Rules or any steps based on that, it shall be open for them to pursue the remedies in accordance with law. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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