

**Central Administrative Tribunal
Principal Bench**

**OA No.900/2019
MA No.1160/2019**

New Delhi, this the 2nd day of April, 2019

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

Sh. P.R.Charan Babu
(Age 55 years), Group A,
Executive Engineer (Civil) CPWD,
S/o Sh. P.Suresh Babu,
R/o Flat No.17B, Pocket-B,
Mayur Vihar Phase-2,
Delhi-110091.

...Applicant

(By Advocate : Shri C. Mohan Rao with Shri Lokesh
Kumar Sharma)

Versus

1. Union of India,
Through the Secretary,
Ministry of Housing and Urban Affairs,
Nirman Bhawan, Maulana Azad Road,
New Delhi-110011.
2. Central Public Works Department (CPWD),
Through The Director General,
Nirman Bhawan, Maulana Azad Road,
New Delhi-110011.
3. Sh. Prabhakar Singh,
Director General,
Central Public works Department,
Nirman Bhawan, Maulana Azad Road,
New Delhi-110011.

...Respondents

(By Advocate : Shri Shailendra Tiwari and Shri
Gyanendra Singh)

ORDER (ORAL)**Justice L. Narasimha Reddy, Chairman :-**

The applicant claims to be a General Secretary to Central PWD Engineers Association. He filed this OA with a prayer to quash a set of letters; dated 01.08.2018, 05.02.2019 and 11.02.2019 and another set dated 22.02.2019 and 01.03.2019. While the first set is in relation to the appointment of the third respondent herein, i.e. Shri K. Prabhakar Singh, as Director General, the second is about the posting etc. of the applicant. It is stated that the third respondent was holding the post of Special Director General, and just with a view to enable him to be promoted to the post of Director General, relevant rules were amended and he was promoted out of turn. It is also stated that he was re-employed after he attained the age of superannuation; in contravention of the recruitment rules. The applicant contends that he was posted to far off places, at the instance of the third respondent, and is being subjected to harassment.

2. Since the OA is filed almost in the form of Public Interest Litigation (PIL) and a writ of quo warranto, we heard Shri C. Mohan Rao, learned counsel for applicant

and Shri Shailendra Tiwari and Shri Gyanendra Singh, learned counsel for respondents, at length on this aspect.

3. It is argued on behalf of the applicant that though he is not a contender for the post held by the 3rd respondent, nor is a competitor in the process of selection, he is very much an affected person since the third respondent was instrumental in initiating certain actions against him. It is also stated that he cannot be treated as a 'total stranger' in the context of challenging the order of appointment of the 3rd respondent.

4. The respondents on the other hand, contend that the jurisdiction of this Tribunal is very limited, if one takes into account the provisions of Section 14 and 19 of the Administrative Tribunals Act, 1985 (for short, the Act). It is argued that being fully aware of the fact that the Tribunal cannot entertain a PIL in this behalf, the All India CPWD Engineers Association has already approached the Hon'ble Delhi High Court by filing the WP(C) No.2300/2019, on the same issue.

5. In this OA, the applicant did not claim the relief in relation to his service conditions. To be precise, the prayer reads as under :-

- “a) quash letters dated 1.8.2018, 5.2.2019, 11.2.2019, two letters dated 22.02.2019 and 1.3.2019 (Annexures A1 to A6) and restrain the respondents from taking action including action suspending and/or charge sheeting the applicant and further restrain the respondents from taking any coercive action against the applicant.
- b) declare that promotion, re-employment and continuance of respondent No.3 in the post of Director General, CPWD is illegal and void ab initio; and
- c) Any other further order or orders as this Hon’ble Tribunal deem fit and proper under the facts and circumstances of the case.”

6. It is only in the interim order that he sought some relief in the form of a direction to the respondents to pay arrears of salary from 01.12.2018. The only link that he seeks to establish is that letters dated 22.02.2019 and 01.03.2019, were issued to him at the instance of the third respondent. Things would have been different altogether, had those proceedings been challenged separately by raising various grounds.

7. The question as to whether the Tribunal can entertain a PIL, was dealt with extensively by the Hon'ble Supreme Court in ***Dr. Duryodhan Sahu and Others Vs. Jitendra Kumar Mishra and Others*** (1998) 7 SCC 273. The purport of the relevant provisions of the Administrative Tribunals Act, the meaning of the expression of PIL or person aggrieved, as dealt with in various judgments, was taken into account. Ultimately, the Hon'ble Supreme Court in para 21 of the judgment held that the Tribunal constituted under the Act cannot entertain a public interest litigation at the instance of a total stranger.

8. Obviously to overcome the same, it is argued that the applicant is not a total stranger and that he can maintain the present OA. Though the applicant is very much an employee of the department, he cannot be permitted to challenge the appointments of other employees in his department or any other department, as long as he is not the contender of the post. To that extent, he is very much, a stranger. It is not as if the applicant has no forum to approach. He can very well canvas his rights before the Hon'ble Delhi High Court.

9. We therefore dismiss the OA, leaving it open to the applicant to work out his remedies, in accordance with law.

Pending MAs, if any, also stand disposed of.

There shall be no order as to costs.

Order **Dasti**.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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