

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

MA 2543/2019
OA 229/2019
CP 101/2019

Reserved on: 14.10.2019
Pronounced on: 31.10.2019

**Hon'ble Mr. S.N.Terdal, Member (J)
Hon'ble Mr. A.K. Bishnoi, Member (A)**

1. Central PWD Engineers Association
Through its President Sh. Bhupendra
Singh (Age 57 years) Group A
Central Office: 'B' Wing, Ground Floor,
(Outside end) I.P. Bhawan,
New Delhi-110002

2. Sh. Bhupendra Singh (age 57 years)
Group 'A' S/o Shri Darab Singh,
R/o 3102, Ashoka Enclave,
Plot No. 8A, Sector 11, Dwarka,
New Delhi-110075

3. Shri P.R.Charan Babu (Age 55 Yrs.)
S/o Shri P.Suresh Babu
R/o Flat No.17B, Pocket-B,
Mayur Vihar Phase-2,
Delhi-110091. Applicants

(By Advocate: Mr. C.Mohan with Mr. 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. The Director General,
Central Public Works Department(CPWD),
Nirman Bhawan, Maulana Azad
Road, New Delhi-110011 ... Respondents

(By Advocate: Mr.B.L.Wanchoo)

O R D E R**Hon'ble Mr. S.N.Terdal, Member (J):**

We have heard Mr. C.Mohan with Mr.Lokesh Kumar Sharma, counsel for applicants and Mr. B.L. Wanchoo, counsel for respondents, perused the pleadings and all documents produced by both the parties.

2. In this OA, the applicant has prayed for the following reliefs:

- "(a) direct the respondent no.1 to renew the recognition granted to the Applicant association;
- (b) quash the Office Memorandum of respondent no. 2 dated 9.1.2019 qua the Applicant association;
- (c) quash the transfer order dated 11.1.2019 transferring the President and the General Secretary of the Applicant association out of Head Quarters;
- (d) Any other further order or orders as this Hon'ble Tribunal deem fit and proper under the facts and circumstances of the case."

3. The relevant facts of the case are that the applicants Association is a Service Association entitled to certain benefits under Notification No.2/10/80-JCA (Vol. IV) of Ministry of Personnel, Public Grievances & Pensions (Department of Personnel & Training) dated 5.11.1993 if recognized as per the Rules called as Central Civil Services (Recognition of Service Associations) Rules, 1993. Rule 5 of the said rules is regarding conditions for recognition. Rule 6 is regarding conditions subject to which the recognition which is given as per rule 5 would continue. Rule 8 is regarding withdrawal of recognition. The applicants association was recognized in 2004 and as per the further DOP&T instructions the recognition once accorded is valid for five years and therefore, the validity

of the applicants association was valid up to 26.07.2009. In this regard the reply filed by the respondents is extracted below:

"4.1 In reply to para 4.1 of the OA, it is submitted that in response to the letter No. CPWD EA/2014 dated 18.8.2003 of the Central PD Engineers Association, after re-verification of the membership of the Association, in terms of the instructions/guidelines issued by the Department of Personnel & Training (DoP&T), vide its O.M. No. 2/13/98-JCA dated 11.2.2002, the Ministry of Housing & Urban Affairs (erstwhile Ministry of Urban Development and Poverty Alleviation), vide its letter No. 4/9/2003-EC-III/EW-1 dated 27.7.2004 (Annexure R-1), had approved the continuation of the recognition, under the provisions contained in the Central Civil Service (Recognition of Service Associations) Rules, 1993, of the said Association for a period of 5 years from the date of issue of he said letter. In this regard, attention is drawn to the provisions contained under the DoP&T's OM No. 2/13/98-JCA dated 11.02.2002 (Annexure R-ii), in which, inter alia, it has been provided that "the recognition of the Service Associations/Unions after re-verification of membership, in terms of para 3 of the DoP&T's OM No. 2/13/98-JCA dated 25.04.2001, shall be valid for a further period of five years from the date of orders recognizing the Associations/Unions are so notified. Further, the process of re-verification is initiated in advance before expiry of the period of 05 years". Therefore, in terms of the provisions of the said OM No. 2/13/98-JCA dated 11.02.2002, the recognition of the Central PWD Engineers Association as Service Association already expired on 26.07.2009."

4. The contention of the applicants is that their association is validly recognized as on today. The recognition of the association was never withdrawn. But, however, continuation of the recognition of the association is subject to the conditions enumerated in Rule 6 of the above stated rules. Rule 6 (e) states that for continuation of the recognition the association had to furnish list of members and office bearers, audited statement of accounts of the association annually through proper channel before 1st of July of every year. The relevant rule is extracted below:-

"6(e). a list of members and office bearers, and up-to-date date copy of the rules and an audited statement of accounts of the Service Association

shall be furnished to the Government annually through proper channel after the general annual meeting so as to reach the Government before the 1st day of July each year."

At the time of hearing the counsel for the applicants submitted that the association has not filed the required documents as per Rule 6 (e) on 01.07.2018. The further contention of the applicants is that the respondents have neither given any Show Cause Notice (SCN) for withdrawing the recognition of the applicants association nor they have passed any order withdrawing the recognition.

5. The counsel for the respondents strenuously and vehemently contended that the applicants have not filed documents as required under above stated rule 6 (e) of the said rules and that on 10.12.2018, 18.12.2018 and 26.12.2018, a notice was issued on the official website directing all the service associations to file the said required documents as per rule 6 (e) of the above stated rules and as the applicants association has not supplied the said documents, their recognition could not be held to be continued. At the time of hearing, the counsel for the applicants submitted that instead of 01.07.2018 the applicants association have submitted the required documents on 29.12.2018 as per Annexure R-XVI and it is also brought to our notice that by an OM dated 04.04.2019, the respondents have stated that the two associations including the applicants association have submitted the required documents as per above stated rule 6 (e) and that the said documents are under scrutiny and the re-verification process of regarding the recognition of the association is under process. The said OM is extracted below:-

"Subject: Implementation of Para -6(e) of Notification dated 5th November, 1993 regarding CCS (RSA) Rules, 1993 by Service Associations in CPWD.

....
This is in continuation to the above cited OM (Modified) dated 3.4.2019. After the issue of the OM dated 9.1.2019 on the above subject vide which the status of recognition or submission of documents as per para 6(e) of the DOPT OM, two Service Association i.e. Central PWD Engineers Association and All the India CPWD Engineers Association have submitted the required documents as per para 6(e) of the DOPT OM. The renewal of recognition of the above 2 Associations based on reverification of their membership for the year 2014-15 is also under scrutiny in the Directorate.

Another Association i.e. CPWD Junior Engineers Association (India) has submitted the documents for renewal of their recognition as per DOPT rules which is also under scrutiny in the Directorate.

Orders for the reverification process for renewal/continuation of all already recognised Association will be issued separately, as per relevant rules.

All the cadre controlling units are to take necessary action accordingly.

This issues with the approval of Director General, CPWD"

6. From the above facts, it is clear that from 2009 onwards the continuation of the recognition of the applicants association is not known and in view of the impugned order dated 09.01.2019 the applicants association was not accorded continuation of recognition. As the applicants association was not accorded continuation of recognition some of the benefits of recognition enjoined by the applicants association namely non-transfer of the President and General Secretary of the applicants association was not accorded and they were transferred vide order dated 11.01.2019. The applicants association has prayed for cancellation of the said transfer orders of President and the General Secretary as one of the reliefs.

7. In view of the facts and circumstances narrated above, we are of the view that continuation of recognition of the applicants association cannot be claimed by the applicants in view of the admitted fact that they have not filed the required documents as per schedule specified under Rule 6(e) of the said Rules and they cannot, therefore, claim the benefits accorded to the recognized association. But, however, as they have filed the said documents later in December and the said documents are under active consideration of the respondents in view of the above extracted OM dated 4.4.2019, we direct the respondents to expedite reverification and consideration of continuation of recognition of the applicants association.

8. Accordingly, the OA is disposed of. MAs pending, if any, stand disposed of. No order as to costs.

CP 101/2019

In view of the above order, CP is closed and interim order dated 24.01.2019 is vacated.

(A.K.Bishnoi)
Member (A)

(S.N.Terdal)
Member (J)

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