

ग्रुप 'बी' सी.पी.डब्ल्यू.डी. ऑफिस स्टॉफ एसोसिएशन (ऑल इंडिया)
(भारत सरकार द्वारा मान्यता प्राप्त)

GROUP 'B' CPWD OFFICE STAFF ASSOCIATION (ALL INDIA)
(RECOGNISED BY GOVT. OF INDIA)

Central Office : 'A' Wing, Ground Floor, I.P. Bhawan, (Y-Shape Building), Ring Road Facing, New Delhi-110002

Website: www.gbcpwdosaai.in E-mail: groupbcpwd@gmail.com

Ravi Kumar Bhatnagar, Advisor, Mob.: 09313171008

No. GBCPWDOSAAI/ 17

Dated 12-09-23

Ratan Kumar Gaur
President
Mob.: 09911363893

To

Shri R.K Kaushal,
Director General,
Central Public Works Department,
Nirman Bhawan, New Delhi-110011.

Ajay Kumar N.P.
Gen. Secretary
Mob.: 09891904580

Sub:- Regarding granting of Seniority along with all consequential benefits to Office Superintendents of Northern Region at par with other Office Superintendents who declared qualified on the basis of same Limited Departmental Competitive Examination.

Yashveer Singh
Vice President
Mob. : 09811724008

Respected Sir,

Krishan Kant
Vice President
Mob.: 7015858949

Please refer the judgment pronounced by Hon'ble High Court of Delhi in the matter (enclosed as Annexure-I) wherein Hon'ble High Court of Delhi dismissed the petition filed by the department challenging the Hon'ble CAT, PB, New Delhi order regarding granting of seniority on notional basis with all consequential benefits from the back date to the respondents i.e. Ms. Shobana Sharma and others.

Harjeet Vashisth
Vice President
Mob. : 09911982511

In this regard, for your kind perusal and due consideration, the brief synopsis of the case is placed below as under: -

Florence Edward Fernandes
Joint Secretary
Mob. : 09811625045

1. LDCE, 2012 exam for promoting UDCs to the post of OS was conducted on 8th and 9th December 2012 by the then DDG(Coordination)NR, CPWD, New Delhi .

Prashant Pandit
Joint Secretary
Mob. : 09868565446

2. Based on the available vacancies in "Exam Quota" the result has been declared of the said examination for 22 Nos. of candidates vide DDG (Coordination)NR letter No.9(7)/2013/DDG(Coord)NR/ GA/476 dated 25/02/2013. These 22 No. candidates were promoted vide O/o No.85 of 2013 issued vide DDG(Coord)NR letter No.21(4) /2013/ Coord(Civil) / GA /1214 dated 30.04.2013. (enclosed as Annexure-II)

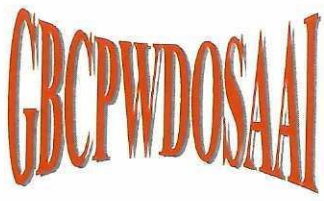
Satish Kumar Sharma
Joint Secretary
Mob.: 98105 41243

3. However, the 22 Nos. vacancies of "Exam Quota" were based on wrong calculation made by the O/O DDG (Coordination)NR. This fact was challenged successfully by Ms. Shobhana Sharma and others in Hon'ble CAT, PB, New Delhi in the OA No. 100/347/2014 and Hon'ble CAT, PB, New Delhi pronounced judgment on 31.08.2017 in favor of them and directed the Department to recalculate the vacancies.

Dinesh Kumar
Treasurer
Mob. : 09582897001

Umesh Kumar Dabla
Auditor
Mob.: 9971187476

Neelam
Ladies Representative
Mob.: 09013201199



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No. GBCPWDOSAAI/

Dated

Ratan Kumar Gaur
President

Mob.: 09911363893

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Florence Edward Fernandes

Joint Secretary

Mob. : 09811625045

Prashant Pandit

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Satish Kumar Sharma

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Dinesh Kumar

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In compliance to the directions contained in judgement dated 31.08.2017 of Hon'ble CAT, PB, New Delhi a review DPC of LDCE, 2012 was conducted for promoting UDC to OS post and revised result of LDCE, 2012 was issued vide DDG(Coord)NR OM No.9(7)/2013/DDG (Coord)NR/GA/3260/08 dated 08/12/2017, thereby promoting 46 Nos. of candidates instead of earlier 22 Nos. of candidates. (enclosed as Annexure-III)

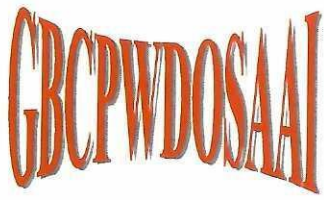
4. Rest of the 24 Nos. candidates (currently aggrieved OSs) have been promoted vide DDG(Coord)NR O/o No.11 of 2018 dated 15/02/2018 to the post of Office Superintendent from the date they assume the charge of Office Superintendent and gave them the seniority w.e.f. 15/02/2018 instead of giving them the seniority at par with earlier promoted 22 Nos. candidates viz. 30/04/2013, thereby denying their legitimate right to the seniority unlawfully and against all rules and regulations set by DoPT and direction of Hon'ble Supreme Court given in various cases.

This shows the high headedness and apathetical approach of the (Coordination) towards Ministerial Staff. Whereas similar benefits are being allowed to Technical Cadre such as JEs/AEs in their LDC Examinations and to Work charged employees by allowing them the regularization with retrospective dates as well as antedating the date of seniority to various employees.

5. Aggrieved by such demoralizing promotion orders, the affected persons have no option but to approach the temple of justice once again against the Department, this time for granting them their legitimate and fundamental right to the accurate seniority with consequential benefits.

They filed an OA 3634/2018 before Hon'ble CAT, PB, New Delhi and once again, these valiant Office Superintendents fought the case against department before the Hon'ble CAT, PB, New Delhi and the Hon'ble CAT, PB, New Delhi pronounced a judgment in OA 3634/2018 dated 19/01/2023 (enclosed as Annexure-IV) giving strict directions to the department to consider the applicants for the said post with effect from the date of declaration of result i.e., 30/04/2013 and if they are otherwise eligible, they would be given promotion and seniority.

However, the said promotion would be on the notional basis with all consequential benefits.



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Dated

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6. The department once again shows its unethical approach towards ministerial staff and instead of honoring the judgement of Hon'ble CAT, PB, challenged the order before Hon'ble High Court of Delhi through WP (C) 11574/2023. Hon'ble High Court of Delhi on the very first day of hearing on 01/09/2023 (enclosed as Annexure-I) dismissed the appeal of the Department being devoid of any merits.

In view of the above-mentioned facts and decision of the Hon'ble High Court of Delhi, it is pertinent to mention that National Law Policy categorically states that the government must cease to be a compulsive litigant. The philosophy is that, matters should be left to the courts for ultimate decision has to be discarded. The easy approach of 'let the court decide' must be eschewed and condemned. Hence, it is our humble request that the following directions may please be given to the concerned authorities: -

- A) CE (Works cum TLQA), Chandigarh may be directed to fix the seniority of the effected Office Superintendent at par with earlier promoted OS from the same LDCE 2012, i.e. with effect from 30/04/2013.
- B) CE (Works cum TLQA), Chandigarh shall also be directed that while reaffixing the seniority, as per the direction of Hon'ble High Court of Delhi all the affected OS shall be allowed their legitimate rights with all consequential benefits viz. fixation of pay and allowances with payments of arrears so accrued.
- C) CE (Works cum TLQA), Chandigarh may please be directed to be more considerate towards the ministerial staff and stop indulging in unnecessary litigation. At least Coordination should follow their own precedent of regularizing work charge staff from retrospective effect with all consequential benefits as well as granting benefit of antedating of seniority date at par with junior work charge employees.

Ravi Kumar Bhatnagar, Advisor, Mob.: 09313171008

No. GBCPWDOSAAI/

Dated

Ratan Kumar Gaur
President

Mob.: 09911363893

Ajay Kumar N.P.
Gen. Secretary

Mob.: 09891904580

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Vice President

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Ladies Representative

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D) DDG (HR-1) may be directed that the seniority of these OS may be re-fixed accordingly in the Seniority List of OS at All India Level and their names shall be included in the Zone of Consideration for promotion to the post of Assistant Administrative Officers for the vacancy year 2023.

Thanking you in anticipation.

Encl- As Above

Ajay Kumar
12/9/23
Ajay Kumar N.P.
General Secretary

Copy for information to:-

1. The Joint Secretary, MoHU&A, NirmanBhawan, New Delhi-110011 for information and necessary action please.
2. SDG (Chandigarh), CPWD, KendriyaSadan, Sector-9A, Chandigarh for information and taking necessary action please.
3. Chief Engineer (Works cum TLQA), Chandigarh, CPWD, Kendriya Sadan, Sector-9A, Chandigarh for information and taking necessary action please.

General Secretary



* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of decision: September 01, 2023

+ W.P.(C) 11574/2023 & CM Appls. 45090-45092/2023

33 UNION OF INDIA THROUGH SECRETARY MINISTRY OF
URBAN DEVELOPMENT & ORS. Petitioners

Through: Mr. Sushil Kumar Pandey, SPC with
Mr. Kuldeep Singh and Ms. Neha,
Advs.

versus

MRS SHOBHANA SHARMA & ORS. Respondents

Through: Mr. R. V. Sinha, Mr. A. S. Singh,
Mr. Amit Sinha & Ms. Nidhi Singh,
Advs.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

V. KAMESWAR RAO, J. (ORAL)

CM Appl. 45092/2023

Allowed, subject to just exceptions.

Application disposed of.

W.P.(C) 11574/2023 & CM Appls. 45090/2023 & 45091/2023

1. The challenge in this petition is to an order dated January 19, 2023 passed by the Central Administrative Tribunal in O.A. 3634/2018 whereby the Tribunal has allowed the O.A. filed by the respondents herein by stating in paragraph 6 as under:-

"6. The issue is no more res-integra and we have no hesitation in applying the ratio of the decision already rendered by this Tribunal. Hence, we are of this view that the



5. The Tribunal was of the view that the persons who were duly eligible and qualified for the posts and when vacancies are also there, ought to have been considered and given promotion. In fact, the Tribunal held that the petitioners admitted their mistake and because of various litigations before the Court respondents have given promotion from February 15, 2018, whereas, the claim was made from the date on which the result was declared. It was also of the view that the issue is no more *res-integra* and directed the petitioners to consider the case of the respondents w.e.f. the declaration of the result, and if they are otherwise eligible, they would be given promotion and seniority.

6. The only submission made by counsel for the petitioners is that the Tribunal could not have granted the promotion from a back date, contrary to the instructions issued by the DoP&T.

7. The other submission made by counsel for the petitioners is that the initial recruitment, where 22 persons were promoted, no vacancies were determined and hence, in that sense no right could have accrued to the respondents herein seeking promotion/recalculation of the vacancies, and also their promotion from a back date.

8. We are unable to agree with the submissions of the counsel for the petitioners for the reason that in the earlier round of litigation being O.A. 347/2014 decided on August 31, 2017, the Tribunal has held as under:-

“12. In the light of our above discussions, the O.A. is allowed. The impugned communication dated 24.1.2014 (Annexure A/1) is quashed. The official respondents are directed to recalculate the vacancies in the post of Office Superintendent both under the seniority quota and LDCE quota for the year

Signature Not Verified

Digitally Signed
By: JYOTIRMAY GHOSH
DASTIDAR
Signing Date: 04/09/2023
11:57:42



result. The claim of the respondents before the Tribunal was that their promotion must relate back to the year 2013 which in effect has been accepted by the Tribunal which we feel, rightly so because of the directions of the Tribunal in the earlier round of litigation being O.A. 347/2014 which we have reproduced above, from which it is clear that the promotion has to be on the basis of the result of the LDCE held on December, 8th and 9th, 2012, i.e., 2013.

11. The aforesaid conclusion of ours shall answer both the pleas urged by counsel for the petitioners.

12. We do not see any merit in this petition, the same is dismissed along with the pending applications.

V. KAMESWAR RAO, J

ANOOP KUMAR MENDIRATTA, J

SEPTEMBER 01, 2023/ds

Signature Not Verified

Digitally Signed
By: JYOTIRMAY GHOSH
DASTIDAR
Signing Date: 04.09.2023
11:57:42



भारत सरकार
GOVERNMENT OF INDIA
केन्द्रीय लोक निर्माण विभाग
CENTRAL PUBLIC WORKS DEPARTMENT



कार्यपालक अभियंता
समन्वय (सिविल), उत्तरी क्षेत्र
ईस्ट ब्लॉक-1, लेवल-6, रा0कू0पुरम,
नई दिल्ली - 110066
दूरभाष: 26102081 फैक्स 26101759

Executive Engineer
Coordination (Civil) N.R.
East Block-I, Level-VI,
R.K.Puram, New Delhi - 110066
Phone No.011-26102081 Fax No.26101759

संख्या /No. 21(4)/2013/समन्वय(सिविल)/जीए/ 1214

दिनांक / Date: 30/04/2013

कार्यालय आदेश संख्या 85 वर्ष 2013

इस कार्यालय के ज्ञापन संख्या 9(7)/सम.परि.सि./जीए/476 दिनांक 25-02-2013 द्वारा घोषित परीक्षा परिणाम (परीक्षा दिनांक 08-12-2012 एवं 09-12-2012) एवं विभागीय पदोन्नति समिति की सिफारिश के अनुसार निम्नलिखित उच्च श्रेणी लिपिक (परीक्षा कोटा) को कार्यालय अधीक्षक के पद पर PAY BAND-2 रु0 9300-34800 व ग्रेड वेतन रु0 4200/- के वेतनमान में उनके कार्यभार ग्रहण करने की तिथि से पदोन्नत किया जाता है ।

क्रम सं०	नाम श्री/श्रीमती	श्रेणी	जन्मतिथि	वरीयता तिथि	कार्यालय जहां कार्यरत हैं
1	MALINI RAJAN	Gen.	14-06-1971	13-10-2000	Delhi Cent. Circle-06
2	REGIMON THOMAS	Gen.	23-03-1967	31-07-2004	Co-ordination Circle(Civil)
3	PRATIBHA GUPTA	Gen.	17-03-1966	05-11-1996	Chief Engineer(NDZ)-04
4	PRADEEP PARASHAR	Gen.	09-08-1964	25-09-2000	K-Division
5	DEEPAK SHARMA	Gen.	22-05-1971	30-07-2004	Hort. Division-01
6	NIRUPAMA RAWAT	Gen.	21-11-1971	17-03-2006	Chief Engineer(IITDPZ)
7	HARJEET VASHIST	Gen.	07-06-1970	30-07-2004	Chief Engineer(NDZ)-07
8	ASHA RANI ARORA	Gen.	29-12-1972	07-08-2004	PWD Division F-133
9	SEEMA SEHGAL	Gen.	13-04-1963	28-04-2001	Parl. Works Elect. Division-02
10	RACHANAA SHARMA	Gen.	17-10-1970	17-03-2006	Chief Engineer(IITDPZ)
11	GURSHARAN KAUR	Gen.	05-11-1969	22-09-2007	Chief Engineer(NDZ)-05
12	VANDANA BHATNAGAR	Gen.	05-01-1968	29-03-2000	Trg. Institute, Ghaziabad
13	PUMMY	S.C.	14-11-1973	31-07-2004	Elect. Division-17
14	RAJESH KUMAR	S.C.	08-08-1971	18-09-2000	Delhi Cent. Circle-09
15	BAL KISHAN	S.C.	08-04-1971	24-03-2003	C-Division
16	KUSUM LATA	S.C.	13-06-1969	28-12-2005	PWD Division M-331
17	NISHI	S.C.	05-05-1969	30-09-1997	Const. Division-03
18	GAJENDRA KUMAR	S.C.	10-10-1979	24-04-2006	Co-ordination Circle(Elect.)
19	RAM KHILADI MEENA	S.T.	20-01-1969	21-02-2003	BFD-04, Tharad
20	JAGDISH PRASAD MEENA	S.T.	04-03-1972	20-03-2003	Hort. Division, Jaipur
21	KANHAIYA LAL MEENA	S.T.	05-07-1971	05-12-2005	Jaipur Cent. Division-01
22	BABOO LAL MEENA	S.T.	05-04-1970	30-08-1999	Jaipur Cent. Division-02

कार्यालय अधीक्षक के पद पर पदोन्नति होने के फलस्वरूप उनकी स्थानान्तरण/तैनाती आदेश लोकोहित में निम्नवत् किए जाते हैं ।

Sl. No.	Name of Employee (S/Shri/Smt.)// PIMS I.D.	Office Where working	Office to which transferred	Remarks
1	MALINI RAJAN MRA14061971UDCL061994	Delhi Cent. Circle-06	NSG Project Division, Manesar	Newly created post. T-201303622
2	REGIMON THOMAS RTH23031967LDCL051993	Co-ordination Circle(Civil)	PGIMER Project Circle, Chandigarh	Newly created post. T-201303620
3	PRATIBHA GUPTA PGU17031966LDCL121988	Chief Engineer(NDZ)-04	BFD, Jammu	Existing Vacancy, T-201303622

30/4/13

30/4/13

Representation of candidate(s) for change of area and not particular office if any, should be sent through the controlling officer(s) with in a month from the date of issue of this order. Representation(s) received later on will not be considered. Controlling Officer(s) are requested not to forward any representation without genuine reasons and after expiry of one month from the date of issue of this order.

निम्नलिखित कार्यालय अधीक्षक के स्थानान्तरण व तैनाती स्वयं के अनुरोध पर उनके सामने दर्शाई गई अभियुक्ति अनुसार निम्न प्रकार से किये जाते हैं (they will not be entitled for TA/DA/Joining Time) :-


Sl. No.	Name (S/Sh.) & P.I.M.S. I.D.	Office presently posted	Office to which transferred	Remarks
1.	RAJESHWARI RAJ25091973LDCL071994	Jodhpur Cent. Circle	DDG(Hort.)	Existing Vacancy, T-201303625
2.	SHEELA MAMGAIN SMA03071963LDCL121987	Garhwal Cent. Division	CE(NDZ)-04	Existing Vacancy, T-201303625
3.	T. SREELEKHA MENON TSM15051969LDCL071995	Jammu Cent. Division-02	President Estate Circle	Vice Smt. Rita Jain, Trfd., T-201303625
4.	SANJAY KUMAR SKU30091963LDCL021989	BFLD, Tharad	CE(CSQ)Elect.	Newly created post, T-201303625
5.	URMILA GOKHLE UGO18061964LDCL061990	CE(NZ)-03, Jaipur	E-in-C, PWD	For further posting against existing vacancy. T-201303625
6.	RATAN KUMAR GAUR RKG18011972LDCL091995	BFLD, Amritsar	Spl. DG(NR)	Existing vacancy, T-201303625
7.	SONI BALA SBA19021976LDCL021997	Madhopur Cent. Division	Jalandhar Cent. Division	Existing Vacancy, T-201303625
8.	PURSHOTTAM KUMAR SHARMA PKS05061960LDCL101982	BFD, Jammu (Relieved)	Spl. DG(DR)	Newly created post, T-20130
He should be taken on rolls w.e.f. 09/04/2013				
9.	BABU LAL MEENA, UDC on Promotion BLM10071967LDCL121989 (T-201303627)	Jaipur Cent. Circle (Relieved)	CE(NZ)-03, Jaipur	Vice Smt. Urmila Gokhale, Trfd. His earlier posting orders for Jodhpur Cent. Elect. Division are hereby modified.
9.	RAMESH CHANDER, UDC on Promotion RCH01041956LDCL111978 (T-20130)	Delhi Cent. Circle-09	Elect. Const. Division- 01	Existing Vacancy. His earlier posting orders for DDG(Hort.) are hereby modified.




(अमर लाल)
30.4.13

वा.प्र. कार्यपालक अभियन्ता
30/4/13

प्रतिलिपि :-

1. महानिदेशक, महानिदेशालय(ईसी.4 अनुभाग), के.लो.नि.वि., निर्माण भवन, नई दिल्ली ।
2. विशेष महानिदेशक(उ.क्षे.), के.लो.नि.वि., सेवा भवन, नई दिल्ली ।
3. सभी संबंधित मुख्य अभियन्ता/अधीक्षक अभियन्ता/कार्यपालक अभियन्ता, के.लो.नि.वि./लो.नि.वि. (वेबसाइट द्वारा)।
4. महासचिव, आल इंडिया के.लो.नि.वि. स्टाफ एसोसिएशन, आई.पी. भवन, नई दिल्ली ।
5. महासचिव, ग्रुप 'बी' के.लो.नि.वि. आफिस स्टाफ एसोसिएशन(आल इंडिया), आई.पी. भवन, नई दिल्ली ।
6. Website www.cpwd.gov.in
7. स्टाक फाईल/पी.आई.एम.एस.


वा.प्र. कार्यपालक अभियन्ता
30/4/13

 सत्यमेव जयते	भारत सरकार GOVERNMENT OF INDIA केन्द्रीय लोक निर्माण विभाग CENTRAL PUBLIC WORKS DEPARTMENT	 CPWD
कार्यालय उप-महानिदेशक (समन्वय) उ० क्षेत्र ईस्ट ब्लॉक-1 लेवल-7 रा०कृ०पुरम नई दिल्ली- 110066 दूरभाष: 011-26713788, 011-26716097 (फैक्स)	The Dy. Director General (Coord.) NR East Block-1, Level-7, R.K.Puram, New Delhi- 110066 Telephone: 011-26713788, 011-26716097	

संख्या 9(7)/2013/उप०महा०(सम०)/जी०ए०/3260

दिनांक :- 08/12/2012

कार्यालय ज्ञापन

विषय :- दिनांक 8-12-2012 एवं 09-12-2012 को उच्च श्रेणी लिपिक से कार्यालय अधीक्षक पद पर पदोन्नति हेतु विभागीय परीक्षा का संशोधित परिणाम ।

दिनांक 08-12-2012 एवं 09-12-2012 को उच्च श्रेणी लिपिक से कार्यालय अधीक्षक पद पर पदोन्नति हेतु विभागीय परीक्षा का आयोजन किया गया जिसका परिणाम इस कार्यालय के ज्ञापन संख्या 9(7)/2013/सम० परिम०(सिविल)/जी०ए०/476 दिनांक:-25-02-2013 द्वारा घोषित किया गया । Hon'ble CAT(PB), New Delhi Judgment dated 31-08-2017 in OA No. 347/2014 in the matter of Smt. Shobhna Sharma and Others Vs CPWD के अनुपालन में संशोधित परीक्षा परिणाम घोषित किया जाता है ।

SL. NO.	ROLL NO.	NAME (S/SH./SMT.)	CAT.	DATE OF BIRTH	DATE OF SENIORITY AS UDC	OFFICE TO WHICH ATTACHED
1.	UDOS/2012/092	MALINI RAJAN	GEN	14-06-1971	13-10-2000	DCC-VI
2.	UDOS/2012/165	RÉGIMON THOMAS	GEN	23-03-1967	31-07-2004	COORD. CIRCLE CIVIL
3.	UDOS/2012/028	PRATIBHA GUPTA	GEN	17-03-1966	05-11-1996	CE,NDZ-IV
4.	UDOS/2012/089	PRADEEP PARASHAR	GEN	09-08-1964	25-09-2000	K-DIVN.
5.	UDOS/2012/162	DEEPAK SHARMA	GEN	22-05-1971	30-07-2004	HORT. DIVN. - I
6.	UDOS/2012/194	NIRUPAMA RAWAT	GEN	21-11-1971	17-03-2006	CE, IITDPZ
7.	UDOS/2012/159	HARJEET VASHIST	GEN	07-06-1970	30-07-2004	CE, NDZ-VII
8.	UDOS/2012/169	ASHA RANI ARORA	GEN	29-12-1972	07-08-2004	PWD DIVN. F-133
9.	UDOS/2012/110	SEEMA SEHGAL	GEN	13-04-1963	28-04-2001	PWD ED-2
10.	UDOS/2012/193	RACHANAA SHARMA	GEN	17-10-1970	17-03-2006	CE, IITDPZ
11.	UDOS/2012/226	GURSHARAN KAUR	GEN	05-11-1969	22-09-2007	CE, NDZ-V
12.	UDOS/2012/068	VANDANA BHATNAGAR	GEN	05-01-1968	29-03-2000	TRG. INST. GAZIABAD
13.	UDOS/2012/037	KUL BHUSHAN	GEN	15-03-1963	21-07-1998	DOH(DR)CPWD
14.	UDOS/2012/174	MURARI LAL	OBC	01-10-1974	17-03-2005	BAREILLY CENT. DIVN
15.	UDOS/2012/232	SHOBHNA SHARMA	GEN	29-12-1971	21-01-2008	PM, DPC, CPWD
16.	UDOS/2012/091	SANJEEV KUMAR JAIN	GEN	25-05-1973	29-09-2000	DCC-2
17.	UDOS/2012/064	PRADEEP KUMAR	GEN	15-09-1968	18-03-2000	ECD-3,CPWD
18.*	UDOS/2012/118	INDER MOHAN AHUJA	GEN	30-09-1965	01-09-2001	SPL. DG(NR)
19.	UDOS/2012/019	RAMESH BHATT	GEN	11-04-1970	10-01-1995	JAMMU CENT. EL.DIVN.
20.	UDOS/2012/039	RAVI DUTT SHARAD	GEN	26-09-1969	11-08-1998	NOIDA CENT. DIVN.
21.	UDOS/2012/121	DEERAJ PANDITA	GEN	02-08-1971	11-09-2001	JAMMU CENT. DIVN.-I
22.	UDOS/2012/164	PUMMY	SC	14-11-1973	30-07-2004	ED-17

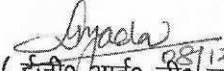
दृष्ट २ पर जारी - -

VACANCY

SL.NO.	STATION	SL.NO.	STATION	SL. NO.	STATION
1.	Jodhpur (Raj.)	9.	Chandigarh (Pb)	17.	Srinar (J&K)
2.	Ropar (Pb)	10.	Jaipur (Raj.)	18.	Karnal (Pb)
3.	Pathankot (Pb)	11.	Dehradun (UK)	19.	Lucknow (UP)
4.	Agra (UP)	12.	Gorakhpur (UP)	20.	Srinagar Garhwal (UK)
5.	Almora(UK)	13.	Mohali (Pb)	21.	Madhopur (Pb)
6.	Amritsar(Pb)	14.	Jaisalmer (Raj.)	22.	Ludhiana (Pb)
7.	Banaras (UP)	15.	Jalandhar (Pb)	23.	Haldwani
8.	Mandi (HP)	16.	Shimla(HP)	24.	Ferojpur(Pb)

विकल्प प्राप्त करने की अंतिम तिथि 15-12-2017 है ।


यह पत्र सक्षम अधिकारी की अनुमति से जारी किया जा रहा है ।


(ईजी० आई० डी० यादव)

कार्यपालक अभियंता (सिविल) -1
8/12/2017

प्रतिलिपि प्रेषित है :-

1. महानिदेशक, महानिदेशालय (ई०सी०-4 अनुभाग), के०लो०नि०वि०, निर्माण भवन, नई दिल्ली ।
2. विशेष महानिदेशक, उत्तरी क्षेत्र, के०लो०नि०वि०, सेवा भवन, नई दिल्ली को सूचनार्थ ।
3. सभी सम्बन्धित मुख्य अभियंता/अधीक्षण अभियंता/परियोजना प्रबन्धक/निदेशक उद्यान, के०लो०नि०वि०, /लो०नि०वि० । कृपया इसे अपने मण्डलों में भी प्रेषित करें ।
4. महा सचिव, ग्रुप-बी के०लो०नि०वि० आफिस स्टाफ एसोसिएशन (आल इंडिया), आई० पी० भवन, नई दिल्ली ।
5. महा सचिव, आल इंडिया के०लो०नि०वि० आफिस स्टाफ एसोसिएशन (आल इंडिया), आई० पी० भवन, नई दिल्ली ।
6. www.cpwd.gov.in - Northern Region


कार्यपालक अभियंता (सिविल) -1
8/12/2017

ANNEXURE-IV

Item No. 44 (C-3)

1

O.A No 3634/2018



CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH: NEW DELHI

O.A. No. 3634/2018

This the 19th day of January, 2023

Hon'ble Mr. Ashish Kalia, Member (J)
Hon'ble Dr. Anand S. Khati, Member (A)

1. Mrs. Shobhna Sharma, Aged-46 years, Group 'B'
W/o. Shri Satish Kumar Sharma
Working as Office Superintendent in
CPWD, New Delhi.
R/o. 4/174, F-1 Vaishali,
Ghaziabad (U.P.-201010)
2. Dheeraj Pandita, Aged-47 years, Group 'B'
S/o. Shri T. N. Pandita
Working as Office Superintendent in
CPWD, New Delhi.
R/o. EG-116, Inderpuri, New Delhi.
3. Ravi Dutt Sharad, Aged-48 years, Group 'B'
S/o. Shri Madan Lal Sharad,
Working as Office Superintendent in
CPWD, New Delhi.
R/o. H. No. 860, Sector-7, Block-C,
Faridabad (Haryana-121 006)
4. Parvinder Kumar, Aged-52 years, Group 'B'
S/o. Shri Prem Lal Jawa,
Working as Office Superintendent in
CPWD, New Delhi.
R/o. H. No. 584, Sector-15,
Sonipat (Haryana-131 001)
5. Raj Kumar Singh, Aged-51 years, Group 'B'
S/o. Shri Mahavir Singh
Working as Office Superintendent in
CPWD, New Delhi.
R/o. Plot No. 41, Sector-1, Vaishali,



[Handwritten signature]



Ghaziabad (U.P.-201010)

6. Ramesh Bhatt, Aged-48 years, Group 'B'
S/o. Late Shri Ravi Dutt Bhatt,
Working as Office Superintendent in
CPWD, New Delhi.
R/o. B-2868, Netaji Naagar, New Delhi-23.
7. Prabhu Dayal, Aged-46 years, Group 'B'
S/o. Shri Kishan Lal,
Working as Office Superintendent in
CPWD, New Delhi.
R/o. 194 L, Aram Bagh, Chitragupta Road,
New Delhi.
8. Charan Jit Singh, Aged-48 years, Group 'B'
S/o. Shri Hari Singh
Vol. Retired as UDC from CPWD, New Delhi.
R/o. 19-H, Sikka Colony, Sonipat,
Haryana-131 001.
9. Mrs. Geeta Bhutani, Aged-55 years, Group 'B'
W/o. Shri M. K. Bhutant
Working as Office Superintendent in
CPWD, New Delhi.
R/o. Block No. C-5-B, Flat No. 6-B,
Janak Puri, Delhi-110 058.
10. Mrs. Neelam Balwani, Aged-52 years, Group 'B'
W/o. Shri Manohar Balwani,
Working as Office Superintendent in
CPWD, New Delhi.
R/o. D-10/20, Sector-7, Rohini,
Delhi-85.
11. Bhuwan Chandra Joshi, Aged-46 years, Group 'B'
S/o. Sh. L. D. Joshi,
Working as Office Superintendent in
CPWD, New Delhi.
R/o. No. 822, Sector-9, R. K. Puram,

New Delhi - 110 022.



12. Rajan Sharma, Aged-51 years, Group 'B'
S/o. Shri R. S. Sharma
Working as Office Superintendent in
CPWD, New Delhi.
R/o. C5A/166, Janak Puri, New Delhi-58.
13. Satish Kumar Manocha, Aged-50 years, Group 'B'
S/o. Shri J. C. Manocha,
Working as Office Superintendent in
CPWD, New Delhi.
R/o. B-3, 117, Janakpuri, New Delhi-58.
14. Pramod Kumar, Aged-53 years, Group 'B'
S/o. Shri Krishan Vats
Working as Office Superintendent in
CPWD, New Delhi.
R/o. Bhawani Bhawan, Chand Colony,
Samalkha (Panipat), Haryana-132 101
15. Sanjeev Kumar Jain, Aged-45 years, Group 'B'
S/o. Shri Satish Chand Jain,
Working as Office Superintendent in
CPWD, New Delhi.
R/o. C-34, 1st Floor, Ashoka Enclave II,
Sector-37, Faridabad (Haryana-121 003)
16. Hasheer Mohammed Naushad,
Aged-48 years, Group 'B'
W/o. Shri Ali Mohd.
Working as Office Superintendent in
CPWD, New Delhi.
R/o. 128/4, Sector-I, M. B. Road,
Delhi - 110017.

.....Applicants

(By Advocate : Mr. Yogesh Sharma)



Versus

1. Union of India through
The Secretary,
Ministry of Urban Development,
Nirman Bhawan, New Delhi.
 2. The Director General,
Central Public Works Development,
Nirman Bhawan, New Delhi.
 3. The Dy. Director General,
Coordination (Civil), Northern Region,
Central Public Works Development,
East Block-I, R. K. Puram,
New Delhi.
- ...Respondents
- (By Advocate : Mr. Satish Kumar)

ORDER (ORAL)

Hon'ble Mr. Ashish Kalia, Member (J)

The applicants have filed this OA seeking the following main reliefs :-

"8(i). That the Hon'ble Tribunal may graciously be pleased to pass an order of quashing the impugned order dated 15.2.2018 (Annex.A/1) only to the extent by which the applicants have been promoted to the post of Office Supdt., from the date of assuming the charge, declaring to the effect that the whole action of respondents by not promoting the applicants w.e.f. 30.04.2013 i.e. from the date of promotion of similarly situated and junior persons is totally illegal, arbitrary and against the Govt. of India instructions and consequently pass an order directing the respondents to promote the applicants w.e.f. 30.04.2013 with all the consequential benefits including the arrears of difference of pay and allowances.



(ii) That the Hon'ble Tribunal may graciously be pleased to pass an order of quashing the impugned order dated 11.07.2018 (Annex.A-2) only to the extent of fixation of the seniority of the applicants on the basis of the date of promotion and consequently, pass an order directing the respondents to re-fix the inter se seniority of the applicants at the proper place along with the persons who were promoted for the same year of vacancies 2012-13 in the same LDCE quota with all the consequential benefits."

2. The applicants are working as Section Officer with the respondents. The next hierarchy of promotion is post of Office Superintendent where the recruitment rules prescribed 50% by promotional quota and 50% by LDCE and the applicants were eligible for the said post. On 23.07.2012, the advertisement was published for 47 such posts. On 08.12.2012, the applicant along with others were found successful and on 30.04.2013 only 22 persons were promoted because there was some wrong calculation of the vacancies. The matter was dealt with by this Tribunal in OA No. 347/2014 dated 31.08.2017 when a direction was issued to the respondents to re-calculate the vacancies. Accordingly, on 15.02.2018, a review DPC was held and applicants were given





promotion w.e.f. 15.02.2018 onwards. Now, the applicants have made a claim before the respondents and subsequently, approached this Tribunal for getting their promotion from the date of qualifying in the examination i.e., 30.04.2013.

3. Notices were issued to the respondents who put appearance and have filed their reply raising preliminary objection stating that the affected persons are not made party, therefore no arrear should be given to the applicants. He raised various other objections also vide paras 4.6 to 4.8 and 5(a to d), which are reproduced below :-

"4.6 to 4.8 The contentions of these para are wrong and hence denied, as the 22 candidates who were promoted w.e.f. 30.04.2013 against the same vacancies which were re-calculated in compliance to Hon'ble CAT's orders dated 31.08.2017 (Photocopy attached as Annexure-R1). Since, after the vacancies re-calculation the revised result was declared on 08.12.2017 and accordingly, the promotion orders for the year 2012-13 were issued on 15.02.2018. As far as the placing of seniority is concerned, DOPT O.M. No. 28011/76/Estt. (D) dated 24.06.1978 (Photocopy attached as Annexure R-3) and as per provisions contained under Rule FR-17 (Photocopy attached as Annexure R-4), a candidate who assumes the promotional post will be placed in seniority list of the concerned cadre. Accordingly, their names have been placed in



seniority list issued by the respondents on dated :
11.07.2018 Relevant para of Rule FR-17 is
reproduced as under :-

"Subject to any exceptions specifically made in these rules and to the provision of sub-rule (2), an officer shall begin to draw the pay and allowances attached to his tenure of a post with effect from the date when he assumes the duties of that post and shall cease to draw them as soon as he ceases to discharge those duties."

In view of the above submission, it is not permissible under provisions of FR-17, to grant arrear of Pay & Allowance as all these candidates have assumed their actual joining after the issue of promotion on posting orders."

xxx xxx xxx xxx xx

5(a to d) The contentions of there sub paras are wrong and denied. As reiterated in afore going paras, the promotion orders have been issued in the light of the provisions of Rules circulated by DOPT's OM No. 28011/6/76-Estt.(D) dated 24.06.1978 and Hon'ble CAT New Delhi's directions dated 31.08.2017."

4. After considering the rival contentions, we are of this view a person who had not qualified cannot claim any benefit from the retrospective period. But, a person who is duly eligible and qualified for the post and when vacancies are also there, he ought to have been considered and given promotion. In fact the respondents admitted their mistake and because of various litigations before different Courts, they have given promotion to the



applicants herein w.e.f. 15.02.2018 whereas, the applicants' entitlement is put forth before us is from 30.04.2013.

5. Similar issue came before us in OA No. 475/2017 where request of Assistant Office Managers were considered by this Hon'ble Tribunal who ordered to give notional promotion by relying on a decision in **Dr. Ramakant Singh Vs. Union of India & Ors., P. K. Shakya & Ors. Vs. Union of India & Ors., and Sunder Singh & Ors. Vs. Union of India & Ors.**

6. The issue is no more *res-integra* and we have no hesitation in applying the ratio of the decision already rendered by this Tribunal. Hence, we are of this view that the respondents shall consider the applicants for the said post with effect from the date of declaration of result i.e., 30.04.2013 and if they are otherwise eligible, they would be given promotion and seniority. However, the said promotion would be on the notional basis with all consequential benefits. This exercise shall be completed



by the respondents within a period of three months from the date of receipt of a certified copy of this order.

7. The OA stands allowed in the aforesaid terms.

There shall be no order as to costs.

(Dr. Anand S. Khati)
Member (A)

(Ashish Kalia)
Member (J)

/Mbt/



For Copy of R 24 & 25
(Procedure Rules)
Under the Act
CERTIFIED TRUE COPY
Date: 03/12
[Signature]
Secretary
Central Administrative Tribunal
Mumbai Branch, New Delhi