

**Proceedings of the sitting on 05-11-2009 of Hon'ble Member Shri
Tsering Samphel with DG(W), CPWD**

A list of officers present in the sitting is at Annexure.

ISSUE

Promotion of Shri A. K. Mani, Wireman to J.E.(Electrical) in CPWD. Now, as he is already promoted in Jan'09, promotion is demanded from retrospective effect against the reserved seats in LDCE exam 2002 and 2004, in which reservation was not provided.

BACKGROUND

A representation dated 11.10.2007 was received in the Commission from Shri A.K.Mani, Wireman regarding his promotion to JE(Elect.) in CPWD.

It was mentioned in the representation that reservation was provided by the department in the LDCE 2002 and 2004, in which 43 posts of JE(Civil) and 13 posts of JE(Elect.) were filled. He had appeared in the 2004 and 2006 LDCE exams. After considering the reservation in 2002 and 2004 LDCE exam, a second list of reserved posts should be declared.

The matter was taken up with the DG(W), CPWD vide this Commission letter dated 02.11.2007. There was no response from the DG(W) office even after a number of reminders. Discussion was scheduled three times for 14.09.2009, 07.10.2009 and 21.10.2009, but nobody turned for discussion. CPWD vide their letter dated 20.10.2009 intimated that only 04 vacancies of JE(Elect.) were to be filled up through LDCE held in 2004. Out of 04 vacancies, not even a single vacancy fell to the share of SC/ST candidates and there was no backlog of SC/ST vacancies existing at that time.

It was clear from the documents and copy of the notings submitted by the petitioner that LDCE exam were conducted in 1995,2002,2004 and 2006. It was also clear from the documents that Shri Mani has already been promoted as JE(Elect.) through LDCE 2008 for the vacancies of 2005-06, result declared on 30.01.2009. Reservation was provided in 1995 and 2006 and was not provided in 2002 and 2004. Sometimes, LDCE was considered as direct recruitment and sometime as promotion. It was accepted in the notings that a consistent approach should be adopted for reservation.

In view of the above, summon dated 23.10.2009 were issued to DG(W), CPWD to appear before Shri Tsering Samphel, Hon'ble Member to put up the facts of the case on 05.11.2009 at 1130 hrs in the Commission.

DISCUSSION

It was explained by CPWD officers that there were only 4 vacancies to be filled for JE(Elect.) through LDCE 2004 and 7.5 % of 4 does not make even 1 post, therefore there was no reservation in that LDCE.

It was expressed by the Commission that after 1997, post based reservation rosters are applicable for recruitment and promotions. Therefore, number of vacancies is immaterial as far as reservation is concerned for the purpose of replacement. For backlog vacancies there is no restriction and for making up of shortfall in reservation, a restriction of 50% of the vacancies is there.

CPWD officers mentioned that they were not prepared for this, therefore, they requested the Commission to give them 2 weeks time to update the post based rosters. They also requested the help of the Commission officers in updating their rosters. They assured the Commission to provide the factual position after two weeks.

RECOMMENDATION

In view of the discussion, the Commission recommended that the CPWD should update the post based reservation rosters for the post of JE(Elect.) and in case of any backlog/shortfall in JE(Elect.), Shri A.K. Mani should be promoted w.e.f. 2004 or occurrence of vacancy, whichever is later by 20.11.2009. All possible help will be provided by the Commission officers for updation of post based reservation rosters for the post of JE(Elect.), as requested by the CPWD.

ANNEXURE

The following were present in the sitting on 05.11.2009 :

NCST

1. Shri Tsering Samphel, Hon'ble MemberIn Chair
2. Shri Aditya Mishra, Joint Secretary
3. Shri Vinod Aggarwal, Director

Central Public Works Department

1. Shri B. K. Chug, DG(W)
2. Shri A. K. Trivedi, Addl. DG(S&P)
3. Shri Dewan Chand, DS(A)
4. Shri Suresh Chandra, DD(A)
5. Shri Nithali Ram, S.O.

Petitioner

1. Shri A. K. Mani