

CAT CASE  
IMMEDIATE

F.No.5-24/2018-CWP/531  
Government of India  
Ministry of Communications  
Department of Posts  
(Engineering Division)

Dak Bhawan, New Delhi.  
Dated: 21-11-2019

OFFICE MEMORANDUM

Sub: Withdrawal of office order No.4-4/2007-CWP/ dated 18-03-2010.

The Limited Departmental Competitive Examination (LDCE) was conducted on 3<sup>rd</sup> & 4<sup>th</sup> May, 2010 as per notification dated 17-2-2010 for promotion from the grade of JE (C/E) to the grade of AE (C/E). The results of examination was declared by the DE section of the DoP vide letter No.A-34013/01/2009 DE dated 26-9-2017, based on the eligibility criteria for qualifying/ selection provided in office order No. 4-4/2007-CWP dated 18-3-2010, as under-

“ 2. The eligibility criteria for qualifying/ selection as provided for in CWP Section's letter no. 4-4/2007-CWP dated 18-3-2010 is as under:-  
“150 marks in each paper for General Category and 120 marks in each paper for SC/ST category.”

3. None of the candidates from Electrical or from Civil have come in the zone of selection for promotion to the grade of AE © and AE (E) under the Limited Departmental Competitive Examination held on 3 and 4<sup>th</sup> May 2010. The result is “NONE QUALIFIED” in written examination.”

2. Shri GVLN Satish & Ors have filed the OA No.170/234/2018 before Hon'ble CAT, Bengaluru Bench, for following relief:

“To quash the Directorate letter No.A-34013/01/2009 DE, dated 26-09-2017 as endorsed by the CPMG, Karnataka Circle, Bangalore letter No.R&E/2-80/2009 dated 27-09-2017 through which the result of the Limited Departmental Competitive Examination held on 3<sup>rd</sup> & 4<sup>th</sup> May, 2010 was published.”

AND

“The applicants have challenged the fixation of qualifying marks for the conducted LDCE Exam in 2010 and declaration of the result as “NONE QUALIFIED”.

3. The Hon'ble CAT, Bengaluru Bench vide order dated 13-06-2019 in O.A. No.170/234-237/2018 quashed the CWP Section's letter no. 4-4/2007-CWP dated 18-3-2010 and ordered to immediately formulate the Gradation List on merit and according to the vacancies now available, promote all those who have been covered in that list.

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4. *The matter has been examined in consultation with Ministry of Law and Justice and the Competent Authority has decided to implement the aforesaid order dated 13/06/2019 of Hon'ble CAT, Bengaluru Bench*

5. Accordingly, office order No. 4-4/2007-CWP/ dated 18.03.2010 stands withdrawn from the date of its issue.

Superintending Engineer (P&A)

Copy to:-

1. The DDG (P), DoP, DakBhawan, New Delhi. It is requested to issue result in order of merit for the LDCE Exam conducted, as per notification dated 17-2-2010, on 3<sup>rd</sup> and 4<sup>th</sup> May, 2010 for promotion from the grade of Junior Engineer (Civil / Electrical) to the grade of Assistant Engineer (Civil / Electrical) in supersession of the result declared vide letter No.A-34013/01/2009 DE dated 26-9-2017 in the light of withdrawn of office order No. 4-4/2007-CWP/ dated 18.03.2010.

2. F. No. 4-4/2007-CWP

3. GM, CEPT, Mysore for uploading in DoP Website.

Superintending Engineer (P&A)

*[Handwritten signature]*

No.4-4/2007-CWP/  
Ministry of Communication & IT  
Department of Posts  
(CWP Section)

47 (2)  
102/c  
Annexure A5 ①

18<sup>th</sup> March, 2010

Sub:- Outsourcing of all Departmental Examinations  
Ref:-60-9/2009-SPB-I dated 16.3.2010.

The case has been examined and original note with the remarks has been given by hand to Shri L. Mohan Rao, ADG(DE), Departmental Examinations on 18.3.2010. The Appendix for Assistant Engineer (Civil)/(Electrical), LDCE Examination, 1993 provides:

Part (1): "Written examination which will be job oriented carrying a maximum of 600 marks in the subjects as shown in para 2 below:

Part II Evaluation of record of service of such candidates as may be decided by the department, carrying a maximum of 200 marks."

Qualifying marks have not been stated in the circular and as such the following qualifying marks may be prescribed.

Part (1): 150 marks in each paper for general category and ~~200~~<sup>120</sup> marks in each paper for SC/ST category.

(2) 100 marks for all categories based on evaluation of record of service of the candidates as may be decided by the department.

Copy

(D.K. Gupta)  
Chief Engineer (Civil) Hq.  
18.3.2010

DDG(R&P)

13/3/2010  
102/c  
18/3/10  
/c

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