

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/020/678/2014

HYDERABAD, this the 31st day of January, 2020

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. B.V. Sudhakar, Admn. Member



D.V.N. Swamy,
S/o. D. Rama Rao,
Aged about 42 years,
Occ: Senior Social Security Assistant,
O/o. Employees' Provident Fund Organization,
Regional Office, Nizamabad.

... Applicant

(By Advocate: Dr. A. Raghu Kumar)

Vs.

1. Union of India rep. by
The Central Provident Fund Commissioner,
Bhavishya Nidhi Bhawan, 5th floor,
14 Bhikaji Cama Place,
New Delhi - 110 066.
2. The Additional Central Provident Fund Commissioner,
A.P. and Orissa Region,
Barkathpura, Hyderabad.
3. The Regional Provident Commissioner,
O/o. Regional Office, 3-4-763,
Bhavishyanidhi Bhawan,
Barkatpura, Hyderabad.
4. The Regional Provident Commissioner,
O/o. Employees' Provident Fund Organization,
Regional Office, Nyalkal Road, Nizamabad.
5. The Liaison Officer,
O/o. Employees' Provident Fund Organization,
Regional Office, 3-4-763,
Bhavishyanidhi Bhawan,
Barkatpura, Hyderabad.

... Respondents

(By Advocate: Mr. G. Jaya Prakash Babu,
SC for EPFO)

ORDER (ORAL)**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman**

In the establishment of Central Provident Fund Organization, there exist, the posts of Enforcement Officers. The appointment to that post is through three different methods namely, Direct Recruitment, Promotion & Examination Quota, which is similar to Limited Departmental Competitive Examination (LDCE). In the office of the Regional Provident Commissioner, Hyderabad, the 2nd respondent herein, the strength of Enforcement Officers is 159. They are allocated among the seniority, examination and direct recruitment at 41, 49 & 69. Separate rosters are being operated in respect of each of the categories.

2. A notification was issued on 17.05.2012, proposing to conduct examination for Examination Quota. It was mentioned that 12 vacancies are available and out of them, 3 are earmarked for SC; 1 for ST & 8 are available for General Category candidates. The feeder category for that is Senior Social Security Assistant. The applicant was holding that post and he belongs to SC category. He took part in the examination and, results were declared. However, at the time of making selections, a revised notification dated 28.03.2014 was issued to the effect that the vacancies available are 14; those earmarked for SC are 2, none for ST and available for General Category are 12. The applicant contends that two candidates belonging to SC were selected and he was next in the merit. His grievance is that had the vacancies earmarked for SCs been 3, as notified earlier, he would have been selected.

He contends that the respondents have committed mistake in identifying the vacancies as well as the roster points of reservation. In this background, he filed this O.A., challenging the order dated 28.03.2014 and for a direction to the respondents to consider his case against the 3rd vacancy, earmarked for SC category under Examination Quota. Other ancillary reliefs are also prayed for.



3. The respondents filed a detailed reply, opposing the O.A. It is stated that in the recent past, there was re-organization of the cadre, and the break up is also furnished. The revision of the vacancies, after conducting examination, is said to have taken place on account of the fact that the incorrect roster points were taken into account for Examination Quota on earlier occasions. They sought to justify their action in issuing the impugned order. Several enclosures, dealing with the issue were also filed.

4. We heard Dr. A. Raghu Kumar, learned counsel for the applicant and Sri G. Jaya Prakash Babu, learned counsel for the respondents.

5. It is a matter of record, that the respondents have indicated in the notification dated 17.05.2012, that 3 vacancies are available for SC; 1 for ST & 8 for General in the EQ category. The applicant participated in the examination. It is at a later point of time, that the respondents came forward with the revised break up of vacancies ó 2 for SC; None for ST & 12 for General Category. The total, however, was increased to 14.

6. The discrepancy in the numbers appears to be on account of the wrong identification of points of roster. Hardly there exists any scope for

committing mistakes in view of the fact that the respondents are operating separate rosters for three categories. What all, one has to see is, the point of roster occupied by the last candidate appointed in the recent past and then, to take into account, the points that are next available, up to the number of vacancies. The roster points fixed by the respondents for the three categories are as under:



Quota	No. Of Posts allotted	Roster Points entitlement against SC each quota
Seniority Quota	41	7, 15, 20, 27, 35, 41
Examination Quota	49	7, 15, 20, 27, 35, 41, 47
Direct Recruitment	69	7, 15, 20, 27, 35, 41, 47, 54, 61, 68

7. It is evident that for the Examination Quota, they are operating a 50 point roster, since the vacancies are 49. Nowhere in the counter affidavit, it is mentioned as to the point at which the roster was operated, by the time the notification was issued. Depending on the identification of the point, they can take note of the available vacancies. For example, if the roster was operated up to 46, and 12 vacancies are available, the points of roster available will be 47, 48, 49, 50, 1, 2, 3, 4, 5, 6, 7 & 8. The roster points 47 & 7 are available for SC category. Hence, there should not be any difficulty in identifying the points of roster. Similarly, if the available vacancies are 10 and the roster point occupied by the last candidate appointed in the recent past is 6, the available roster points are 7 & 15. However, this is a matter for verification. Even now, the respondents can look into the matter and resolve the controversy.

8. Therefore, the O.A. is disposed of, directing the respondents to identify the roster point for Examination Quota, which was immediately

available, by the time the notification dated 17.05.2012 was issued, take note of available vacancies and then identify the points of roster, earmarked for SC candidates. If it is found that three roster points, earmarked for SC are available, the case of the applicant can be considered. If, on the other hand, only two are available, the result of their exercise shall be communicated to the applicant, within two months from the date of receipt of a copy of this order. In view of the complexities involved, we direct the 2nd respondent to undertake this exercise.

9. There shall be no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN

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