

(18)

Central Administrative Tribunal, Principal Bench

Original Application No. 2321 of 2001

New Delhi, this the 21st day of October, 2002

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. M.P. Singh, Member (A)

Shri Jwala Prasad
Field Man
Under Assistant Engineer (Horticulture)
D.R.M. Office
State Entry Road
Northern Railway,
New Delhi

....Applicant

(By Advocate: Ms. Meenu Mainee)

Versus

1. Union of India through
The General Manager,
Northern Railway,
Baroda House,
New Delhi

2. The Divisional Personnel Officer,
Northern Railway,
State Entry Road,
New Delhi

3. The Assistant Engineer (Horticulture)
Northern Railway
D.R.M. Office
State Entry Road
New Delhi

....Respondents

(By Advocate: Shri Rajeev Bansal)

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

The controversy in the present case is within a narrow campus. To get to the root of the same, we can list some of the facts.

2. In pursuance of a trade test held on 21.6.2000, the applicant had been promoted from the post of Fieldman Grade-III to Fieldman Grade-II. The promotion was on provisional basis and subject to stay order granted by this Tribunal. On 22.5.2001, the applicant was reverted back to his substantive post of Fieldman Grade-III. By virtue of

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the present application, the applicant assails the said order of 22.5.2001 reverting him to the post of Senior Fieldman Grade-III.

3. In the reply filed by the respondents, it has been explained that the applicant had been trade tested for the post of Fieldman in the scale of Rs.4000-6000. At that time, there were four vacancies available by down-grading the posts of SOM in the grade of Rs.4500-7000. At that time, there were four vacancies and the 4th vacancy was to go to a Scheduled Caste candidate. Presently, there were stated to be three vacancies which had to go to the General candidates and, therefore, the applicant could not be promoted and had to be reverted.

4. These facts narrated above as are conjoined from the pleadings of the parties, clearly show that it is not in dispute in terms that there were only three vacancies that were available. Our attention has not been drawn to any order to show that there was a 4th vacancy. Once the three vacancies had to go to General candidates, the applicant necessarily has to wait till the 4th vacancy arises and he could lay his claim to the said post. As at present, therefore, the claim of the applicant obviously is without any basis because there is no post that can be given to a Scheduled Caste candidate. At this stage the application, therefore, must fail and is dismissed.


(M.P. Singh)
Member(A)


(V.S. Aggarwal)
Chairman