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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.1425/98

New Delhi: Dated: this the 6th day of November, 1998

HON'BLE MR.S.R.ADIGE VICE CHAIRMAN(A).

HON'BLE DR.A.VEDAVALLI MEMBER(J).

Shri Gaje Singh,
S/o Shri Chandan Singh,
R/o Village Khara Kalan,
Delhi- 0082.

..... Applicant

(By Advocate: Shri S.K.Rungata)

Versus

Ministry of Railways,
through Chairman,
Railway Board,
Rail Bhawan,
New Delhi.

2. Northern Railway,
through its
General Manager,
Northern Railway,
Headquarters,
Baroda House,
New Delhi

.... Respondents.

(By Advocate: Shri R.L.Dhawan)

ORDER

HON'BLE MR.S.R.ADIGE, VICE CHAIRMAN(A).

Applicant who belongs to SC community impugns respondents' orders dated 8.4.98; 23.5.98 and 14.7.98 and seeks a declaration that the entire proceedings for filling up the post of Head Proof Reader in Railway Press, Shakurbasti by promotion from amongst general candidates is illegal and non-consequential. Furthermore he seeks a direction that the impugned post of Head Proof Reader is to be treated as a post reserved for SC candidates, and he should be promoted to the said post w.e.f. October, 1996 being the seniormost in SC category.

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2. We have heard applicant's counsel Shri Rungta and respondents' counsel Shri Dhawan.

3. There is no denial in any rejoinder to respondents' assertion in their reply that as per para 215 (C) IRM Vol. I, the three seniormost Senior Proof Readers were to be considered in the selection for the post of Head Proof Reader (Rs. 1400-2300), and applicant's position being at Sl.No.5 of the seniority list of Senior Proof Readers (Annexure-R1) he did not come within the zone of consideration for selection for the post of Head Proof Reader.

4. Applicant's counsel has relied upon the contents of Sr. Manager Personnel's letters dated 2.9.96 (Annexure-D) and dated 1.9.97 (Annexure-F) to contend that the vacancy should be reserved for a SC candidate, but respondents have pointed out that consequent to the Hon'ble Supreme Court's judgments in R.K. Sabharwal Vs. State of Punjab AIR 1995 SC 1371; UOI Vs. VPS Chauhan AIR 1996 SC 442 and UOI Vs. J.C. Mallick comprehensive instructions have been issued vide Circular dated 21.8.97 (Annexure-R4) for maintenance of post based rosters which are applicable w.e.f. 10.2.95, that is before the present vacancy became available, and as per the Model roster appended with that circular this vacancy has to be treated as unreserved.

5. Applicant's counsel asserted that there was more than one post of Head Proof Reader available in the Railway Press, Shakurbasti. We had given time to Respondents to furnish materials on this contention. Shri Dhawan has filed a statement

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showing the categorywise Manpower Statistics as on 31.3.98 which is taken on record from which it is clear that the post of Head Proof Reader is only one.

6. Shri Rungta also contended that in terms of Para 5 of the explanatory notes to Annexure-I of Respondents' letter dated 21.8.97, when we refer to the cadre of Head Proof Readers, we should also include posts of Master Craftsmen, who are also in the same grade pay of Rs.1400-2300 and if viewed in that light the vacancy of Head Proof Reader would fall on a reserved point as per reservation roster. We are unable to accept this argument, because if it were accepted, it would mean that other posts also in the grade of Rs.1400-2300 could claim inclusion in the cadre of Head Proof Readers.

7. In the result, in the facts and circumstances of this case we see no infirmity in the action taken by respondents which is in conformity with Para 215(c) IREM Vol-I read with Railway Board Circular dated 21.8.97.

8. The OA therefore warrants no interference. It is dismissed. Interim orders, if any, are vacated. No costs.

A. Veda Valli
(DR. A. VEDAVALLI)
MEMBER(J)

Anil kumar
(S. R. ADIGE)
VICE CHAIRMAN(A).

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