

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.2474/95

New Delhi, this the 10th day of September, 1999

HON'BLE MR. JUSTICE R.G. VAIDYANATHA, VICE CHAIRMAN (J)
HON'BLE MR. J.L. NEGI, MEMBER (A)

1. Sh. Arjun Dev, S/O Sh. Pummi Sethi Shah
2. Sh. Ram Charan, S/O Sh. Hira Singh
3. Sh. Ram Kumar, S/O Sh. Sohan Lal
4. Sh. A.S. Bisht, S/O Sh. Thakur Singh

(All are employed as Mechanics
(Mechanical) in govt. of India
Press, Ring Road, New Delhi-64

*****Applicants.

(By Advocate: Mr. D.R. Gupta)

VERSUS

1. Union of India through the
Secretary, Ministry of Urban
Development, Nirman Bhawan, New
Delhi.
2. The Director, Directorate of
Printing, Nirman Bhawan, New Delhi.
3. The Manager, Govt. of India Press,
Ring Road, New Delhi-64.

*****Respondents.

(By Advocate: Mr. K.R. Sachdeva)

O R D E R (ORAL)

By Hon'ble Mr. Justice R.G. Vaidyanatha, VC (J):

This is an application filed under Section 19 of the A.T. Act by the applicant. Respondents have filed the counter. We have heard Mr. D.R. Gupta, counsel for applicant and Mr. K.R. Sachdeva, counsel for respondents.

The short point for consideration in this case is that whether reservation can be applied in a single post.

10

(2)

2. The facts are that in the Govt. of India Press, there is a single post of Head Mechanic. The promotion is made from the feeder cadre of Mechanics on the basis of selection method. The applicants are general candidates and they have not been considered for promotion. But the respondents are intending that to fill up that post by promoting a SC candidate treating it that it is reserved for SC. It is alleged that since it is a single post in the cadre, it could not be reserved and it has to be thrown open to all candidates who are to be selected by way of selection method.

3. According to the respondents, the reservation rule can be applied even for a single post by applying rotation roster.

4. Though there were conflicting decisions on the point, the matter is no longer res integra and is covered by a recent judgement of the Apex Court reported as 1998 (4) SCC 1 (Post Graduate Institute of Medical Education and Research Vs. Faculty Association). The Hon'ble Supreme Court has ruled that if a single post is reserved, then it amounts to hundred per cent reservation which is not permissible. After examination of the decisions on the point, including the decision of the constitutional point in R.K. Sabarwal's case, the Apex Court has ruled that there cannot be any reservation in a single post cadre and accordingly, the decisions which took a contrary view, were over-ruled.

✓

(11)


(3)

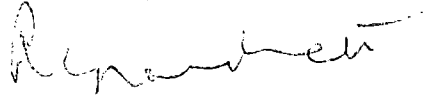
5. In view of the law declared by the Apex Court in a recent judgement, we hold that the post of Head Mechanic, which is a single post cadre, cannot be filled up by reservation.

6. The applicants wanted that an interim order to restrain the respondents from filling up the post by promoting a reserved candidate. There is an interim order stating that status quo should be maintained by the respondents and that the post should not be filled till the next date of hearing. Subsequently, the interim order came to be modified by the order dated 15.2.96. After hearing both the counsel for parties stating that any promotion made to the post of Head Mechanic during the pendency of the litigation, shall be subject to the outcome of the OA. Therefore, if any promotion has taken place during the pendency of the litigation, then naturally, it must be treated as an adhoc promotion or provisional promotion the respondents will have to fill up that post treating it as un-reserved on the basis of law declared by the Apex Court mentioned above.

7. In the result, the application is allowed. Respondents are directed to fill up the post of Head Mechanic in the Govt. of India Printing Press as per rules by treating it as un-reserved.

In the circumstances, no order as to costs.


(J.L. NEGI)
MEMBER (A)


(R.G. VAIDYANATHA)
VICE CHAIRMAN (J)