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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2030/96

New Delhi this the 21st day of March, 2000.

HON'BLE MR. JUSTICE V. RAJAGOPLA REDDY, VICE-CHAIRMAN
HON'BLR MRS. SHANTA SHASTRY, MEMBER (ADMNV)

Ms. M.A. Kujur,
W/o Sh. Habil Kujur,
R/o Qr. No.506, Sector IV,
(Balak Ram Hospital),
Timar Pur,
Delhi-110 054.

...Applicant

(By Advocate Shri D.S. Choudhary, though none appeared)

-Versus-

1. Union of India through
the Director General,
Department of Posts,
Oak Tar Bhawan,
New Delhi-110 001.

2. The Chief Post Master General,
Delhi Circle,
Meghdoot Bhawan,
Link Road, Jhandewalan,
New Delhi.

...Respondents

(By Departmental Representative Shri R.B. Sharma, ASP(Courts))

O R D E R (ORAL)

By Mrs. Shanta Shastri, Member (Admny):

None appears on behalf of the applicant. However, on behalf of the respondents departmental representative Shri R.B. Sharma, ASP (Courts) is present. Counsel for the respondents is not present.

2. The applicant, who has been working as LSG PA in R.L.O. New Delhi and belongs to the Scheduled Tribe (ST) category, has sought to set aside and quash the impugned order dated 28.6.96/4.7.96 whereby the applicant was informed that she cannot be posted as Manager, R.L.O. through reservation quota. The applicant has also prayed that the respondents should be directed to appoint her as Manager, R.L.O. Delhi.

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3. It is the case of the applicant that the post of Manager (HSG-II) in R.L.O. is filled up from amongst the eligible candidates working in that office. According to the applicant as per 40 point roster it was her turn to be posted as Manager R.L.O. Delhi, as earlier the Managers had been appointed from the general category. The applicant submitted a representation on 4.9.92 stating that Shri Ajit Singh the then Manager was to retire on 31.5.93 and the applicant being the only candidate belonging to ST category should be considered for promotion to the post of Manager (HSG-II), R.L.O. Delhi. She was, however, informed by the respondents that the post would be filled up as per the instructions of the Department. The applicant again submitted representations on 13.4.93 and 18.11.93, reiterating her earlier request. She also represented to the Union Minister concerned. The respondents informed her that it was not possible to promote her as Manager vide letter dated 21.12.93. In the meantime, the applicant was placed in the next higher scale under biennial cadre review (BCR) as LSG PA w.e.f. 1.1.94 against the left over point of ST. The applicant again represented to post her as Manager. Finally, by the impugned order dated 4.7.96 she was informed that she could not be appointed and posted as Manager, R.L.O. by reservation quota.

4. The respondents in their counter-reply, while not denying that the applicant belongs to ST category, have stated that she was given the benefit of BCR scheme by placing her in the next higher scale of Rs.1600-2660 w.e.f. 1.1.94 against the left over point of ST. The post of Manager, R.L.O. is filled up on the basis of the seniority in the biennial cadre and not by reservation quota. In the

biennial cadre the applicant is much junior to all the HSG-II biennial cadre officials promoted before that date and as such the applicant has no case. We had asked the departmental representative to show us any document, indicating that the post is not reserved for ST official. The departmental representative has produced before us Directorate's letter dated 30.3.92 which explains the BCR Scheme and the posting of officials, their seniority etc. According to paragraph-2 of this letter the officials who become HSG-II as a result of the BCR and those who are already in HSG-II based on norms prior to the introduction of the BCR Scheme be posted in order of seniority to man the following posts, viz. Norms based HSG-II Postmaster/HSA & SRO which is the relevant post in this case.

5. We are satisfied that the respondents have followed the scheme and have posted ~~a person much senior to applicant~~ as Manager, RLO and the applicant is too junior to be considered for the post of Manager, RLO in the biennial cadre. We, therefore, feel that the OA is devoid of merit. We accordingly dismiss the same. In the facts and circumstances of the case we do not order any costs.

Shanta
(Smt. Shanta Shastry)
Member (Admnv)

"San."

V. Rajagopala Reddy
(V. Rajagopala Reddy)
Vice-Chairman (J)