

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-275/97

New Delhi this the 11th day of July, 1997.

Hon'ble Dr. Jose P. Verghese, Vice-Chairman (J)
Hon'ble Sh. S.P. Biswas, Member (A)

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Sh. Sher Singh Khati,
Section Officer,
SFF Headquarters,
Directorate General of Security,
(Cabinet Secretariat)
East Block V, R.K. Puram,
New Delhi. Applicant
(Applicant in person)

versus

1. The Cabinet Secretary,
Union of India,
South Block,
New Delhi.
2. The Director General of Security,
Cabinet Secretariat,
East Block V, R.K. Puram,
New Delhi.
3. The Principal Director,
Directorate General of Security,
(Cabinet Secretariat)
East Block V, R.K. Puram,
New Delhi. Respondents

(through Sh. K.C.D. Gangwani, advocate)

ORDER(ORAL)

Hon'ble Dr. Jose P. Verghese, Vice-Chairman (J)

The applicant contends in this application that he being a general community candidate is likely to be removed from the zone of consideration to the post of Asstt. Director which is to be filled up on a selection basis because the respondents are likely to fill up the said post after reserving same to a candidate from the reserved community. It was stated that in the cadre of 7, 2 persons. of reserved

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community are already in position and, therefore, a third candidate's appointment would be in violation to the existing rules applicable to reservation.

A doubt was raised during the previous hearing whether one of the two reserved candidates who are already in position out of 7 have happened to be in the cadre on the basis of their own merit or on the basis of accelerated promotion or on the basis of any of the rules of reservation. We had directed the learned counsel for the respondents to check up the position so that the appropriate orders may be passed.

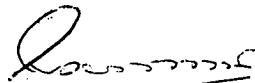
The learned counsel for the respondents upon instructions submits that the file pertaining to these aspects is lying with the Cabinet Secretariat and he has no knowledge of the same at present especially because the present case as well, after the DPC, has gone to the same Cabinet Secretariate for approval.

The Cabinet Secretariate is before us as Respondent No.1. We direct Respondent No.1 to make sure before they grant approval to the third reserved candidate in the cadre to the post of Assistant Director that both the reserved candidates already occupying the two posts have come on their own merit or not. In case atleast one of them is on their merit, only then the approval for appointing reserved candidate against the present post of Assistant Director can be validly given. We hope and trust that this direction, being issued in pursuance to the

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decisions of the Hon'ble Supreme Court in the case of R.K. Sabharwal Vs. State of Punjab (JT 1995(2) SC 351) and in the case of J.C. Mallick, will be complied with. No other relief can be granted by this Tribunal.

With the aforesaid observations, this O.A. is disposed of. No costs.



(S.P. Biswas)
Member (A)



(Dr. Jose P. Verghese)
Vice-Chairman (J)

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