

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH : NEW DELHI

OA No.1021/1997

New Delhi this the 6th day of May, 1998.

**Hon'ble Smt.Lakshmi Swaminathan, Member (J)**  
**Hon'ble Shri K.Muthukumar, Member (A)**

(S)

In the matter of

1. Sh.Ved Prakash S/O Sukhlal  
R/O S 1/134, R.K.Puram,  
New Delhi.
2. Dr.Subachan Pandey S/O Madan Mohan  
R/O H.43,Nanakpura,New Delhi.
3. Dr.(Smt.Guddi Kaul W/O Gopi Nath,  
R/O 71 C, Q Pocket,  
Dilshad Garden, Delhi-95.
4. Dr.(Smt.)Daisy Lahiri S/O Sunil Kumar  
R/O 91 K,Sector IV,  
B.K.S.Marg,New Delhi-1

(All are working as RAS in the  
Central Hindi Directorate and Commission  
for Scientific terms and Technology)

(By Advocate Sh.S.C.Luthra)

..Applicants

vs

1. Union of India through :  
The Secretary,  
M/O Human Resources Development,  
Shastri Bhawan, New Delhi-1.
2. Director,  
Central Hindi Directorate,  
West Block No.7,R.K.Puram,  
New Delhi-66
3. Chairman,  
Commission for Scientific & Technical  
Technology, West Block No.7,  
R.K.Puram, New Delhi.

..Respondents

(By Advocate Shri N.S. Mehta, learned counsel  
through proxy counsel Sh.V.K.Mehta)

**O R D E R (ORAL)**

**Hon'ble Smt.Lakshmi Swaminathan, Member (J)**

In this application the applicants who are general category candidates working with the Central Hindi Directorate and Commission for Scientific and Technical Technology in the office of Respondents 2 and 3 have sought the following reliefs:

(i) To hold and declare that the quota reserved for SC communities has to be worked out in relation

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to number of posts and not with respect to the vacancies and to further declare that in the facts and circumstances of the case, this quota has already exceeded ;

(ii) To direct the respondents not to operate the roster any further as its object has already been achieved.

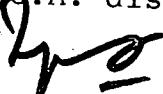
(iii) To restrain the respondents from filling any of the anticipated vacancies in the reserve category quota of S.C.

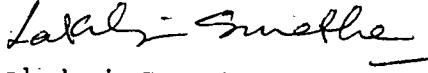
2. Shri V.K.Mehta, learned proxy counsel for respondents submits that in accordance with the judgement of the Hon'ble Supreme Court in R.K.Sabharwal Vs.State of Punjab (1995(2) SCC 745 and J.C.Malik Vs. Ministry of Railway (SLJ 1996(1) SC 115, the Govt.of India, Department of Personnel and Training have issued O.M. dated 2.7.1997. In this memorandum it has been, inter alia, stated that in accordance with the judgment of the Hon'ble Supreme Court, the Government has decided to revise the existing 200- point, 40-point and 120- point vacancy based rosters to be replaced by post-based rosters. They have also stated that all Ministries have to take action in accordance with the law laid down by the Apex Court. It has also been stated that in cases where selections have not been finalised, recruitment may be withheld till the revised rosters are brought into operation and recruitments effected in accordance with the aforesaid instructions. From the perusal of the O.M. dated 2.7.1997 it is, therefore, clear that the respondents have taken a decision to take suitable action to revise the reservation roster in accordance with the directions of the Hon'ble Supreme Court on post<sup>wise is to be</sup> based instead of vacancy based(Copy placed on record).

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3. In view of the above, we find that the main prayers in the OA have become somewhat infructuous. We, however, hope that the respondents shall take necessary action in terms of the OM dated 2.7.1997 as expeditiously as possible, and in any case within four months from the date of receipt of a copy of this order.

4. C.A. disposed of as above. No order as to costs.

  
(K. Muthukumar)  
Member (A)

  
(Smt. Lakshmi Swaminathan)  
Member (J)

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