

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No.2381/94

New Delhi, dated the 13th December, 1994

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CORAM

Hon'ble Shri N.V. Krishnan, Vice Chairman(A)

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

Central Sectt. Service(Direct Recruit)

Assistants Association through its
President Shri V.K. Sinha, Room No.326-C,
Nirman Bhawan, New Delhi.

Shri K.M.S. Khalsa
s/o Shri Surjit Singh
r/o N-37, Nirman Bhawan,
New Delhi

Shri Rajeev Kumar Kundu
r/o B-119, Double Storey,
Romesh Nagar, New Delhi

.. Applicants

(By Advocate Mrs. Rani Chhabra)

V/s

1. Union of India
M/O Personnel, Public Grievances
and Pension, the Deptt. of Personnel
& Training through its Secretary.

2. Union Public Service Commission
through its Secretary,
Dholpur House, Shahjahan Road.

.. Respondents

ORDER(ORAL)

(Hon'ble Shri N.V. Krishnan, Vice Chairman(A)

This application was first filed only
by the applicant No.1 who is the C.S.S. (Direct
Recruit) Assistants Association. As this is not
permissible, - MA 3945/94 was filed adding two
additional applicants as applicants No.2 and 3

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who are claimed to be the affected parties. MA is allowed.

2. We have heard the learned counsel for the applicant.

3. The brief facts are as follows.

3.1 An examination was conducted by the Union Public Service Commission(UPSC)- Respondent No-2-for appointment to the post of Section Officers in the Central Sectt.service against the promotion quota on the basis of a Limited Competitive Examination in terms of the notice dated 18.7.92 (Ann-1).

3.2 It is stated that there were 94 vacancies in this quota out of which 47 vacancies were reserved for Sch.Caste and Sch.Tribe (21 SC + 26 ST). The remaining 47 vacancies were to be filled up by ^{the} general candidates.

3.3 The results of the written examination were declared in September, 1993 (Ann-II) which shows that 126 candidates had qualified for evaluation of written records.

3.4. It is stated that the U.P.S.C. then sent a list of 47 successful general candidates and 21 successful SC & ST eligible for

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appointment to the Genl. quota and SC/ST quota respectively. They were then appointed.

3.5 There were thus 26 vacancies in the SC/ST quota which remained to be filled up.

3.6. The first applicant understands that the Department of Personnel and Training (Respondent No.1) had taken up the matter with the Commission for Scheduled Castes and Scheduled Tribes for de-reservation of these reserved vacancies, as such consultation with that body is necessary. A decision was taken, after such ^{de-}consultation, to reserve the vacancies and to fill them from the Genl.Quota.

3.7 It is averred that the first respondent has then requested the UPSC to release names of a further list of 26 general candidates who have fully qualified in the examination, to fill up the de-reserved vacancies. The applicants understand that a letter dated 30.3.1994 has, in fact, been sent to the UPSC in this connection. It is alleged that the UPSC has not sent the list so far despite the reminders issued on 6-6-94, 27-6-94 and 5-7-1994.

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3.8. The first applicant has also directly written to the UPSC in this regard on 25.8.94 and on 30.9.94 without any result.

3.9. Hence the applicants have filed this OA for a direction to the respondent No.2 to release the further list of successful general candidates as requested by the first respondent vide letter dated 30.3.94 and direct the respondent No.1 to fill up all the remaining vacancies of Section Officers notified on 18-7-1992.

4. We wanted to know from the learned counsel as to how any right accrues to the applicants to get the relief prayed for.

5. The learned counsel for the applicant states that when the vacancies reserved for SC/ST has been de-reserved it means that they can now be filled up by General candidates. The applicants who were genl.candidates and have passed the examination, have a right to be appointed to these vacancies. In this connection she has also referred us to the judgement delivered in OA 520/90 and OA 693/94 (Ann.A-6)

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6. We have carefully considered this matter.

7. In so far as de-reservation is concerned, only an averment, has been made. No order of the first respondent has been produced to establish that de-reservation has been affected.

8. Even if it is confirmed that there has been a deservation, the learned counsel has not established that the other general candidates who may have fully qualified for appointment in the aforesaid examination (i.e. in excess of these already appointed to the 47 vacancies reserved for general candidates) have a right to be appointed. Neither Rule 13 of the Central secretariat services Rules 1962 nor the instructions relating to dereservation of reserved vacancies, referred to in the OA nor the C.S.S. Section Officers Grade (Competitive examination) Regulations 1966 which have been produced, give any such right to the applicants.

9. We have seen the judgment in OA 520/90 of the Principal Bench K.P. Singh Chauhan & Ors v. U.O. In that case, the applicants who had appeared in a similar examination, complained

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that in similar circumstances, appointments were sought to be made from a supplementary list of general candidates to the vacancies of ST/SCs, that remained to be filled up. That OA was dismissed. That does not mean that there was any right to get such appointment.

10. If, as alleged, the second respondent has /a supplementary refused to send/list of candidates as requested by the first respondent, it is only an inter departmental dispute which the parties can solve themselves. In any case, this cannot give rise to a cause of action for the applicants to move this Tribunal for direction.

11. In this view of the matter, we find that the applicants have no locus standi . Accordingly this application is rejected summarily.

Lakshmi Swaminathan

(Lakshmi Swaminathan)

Member (J)

N.V. Krishnan

(N.V. Krishnan)

Vice Chairman (A)

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