

Central Administrative Tribunal
Principal Bench

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O.A. 387/94

New Delhi this the 13th day of August, 1999

Hon'ble Smt. Lakshmi Swaminathan, Member(J).
Hon'ble Shri S.P. Biswas, Member(A).

Shri Puran Chand,
ACSO, GS/MT-7,
Army Headquarters,
Sena Bhawan, New Delhi.

... Applicant.

By Advocate - None.

Versus

1. Union of India, through
the Secretary,
Ministry of Defence,
South Block,
New Delhi.
2. The JS (Trg. & CAO),
Ministry of Defence,
C-II, Autments, Dalhousie Road,
DHQ, Post Office,
New Delhi.
3. Union Public Service Commission,
through its Secretary,
Dholpur House, Shahjahan Road,
New Delhi-110011.

... Respondents.

By Advocate - None.

O R D E R (ORAL)

Hon'ble Shri S.P. Biswas, Member(A).

The applicant, who is an ACSO under the respondents,
challenges the order dated 20.10.1993 passed by Respondent No.2
rejecting applicant's representation dated 17.9.1993. In the
said representation, the applicant had sought permission to
appear in the Limited Departmental Competitive Examination (LDCE)
to be held in March, 1994.

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2. The applicant would contend that he possesses the requisite eligibility ^{Condition} for taking the examination since he had put in 4 years of service ^{A. here} in the feeder cadre for promotion to the next higher grade. As per the provision of SRO 196, it is laid down that unfilled reserved vacancies in the grade of Civilian Staff Officer which cannot be filled through the DPC on regular basis ought to be filled through LDCE to be held by the UPSC. After the incorporation of the aforesaid provision, AFHQ became a participant in the Grade-I (Under Secretary) Examination for SC/ST candidate since 2.6.1981. The applicant would contend that non-conducting of the said examination caused undue hardship to the employees like the applicant herein in terms of the reserved category candidates not having been considered for the aforesaid posts. The applicant afterwards had filed an MA (MA No. 3559/94) seeking issuance of directions to Respondent No. 2 to communicate the latest position in respect of unfilled reserved vacancies of SC/ST which have been given to the UPSC so that the latter would include such vacancies for the purpose of LDCE which was likely to be held in December, 1994. Since the reply of the respondents in this respect was not very clear, the latter was directed to file an additional reply. From the additional affidavit filed by the respondents it is seen that out of the total strength of the CSOs in the cadre more than 38% officers belong to SC/ST categories as against the provision of 22 1/2% reservation provided under the existing provisions. It is further submitted that in August, 1994, there was no unfilled vacancy in the grade of CSO falling to the quota of SC/ST candidates for which regular DPCs had been held.

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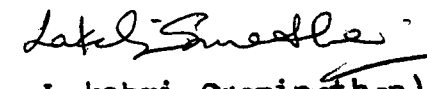
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Accordingly, the respondents submitted that the question of notifications of unfilled reserved vacancies to be filled through UPSC did not arise. The applicant did not care to submit any rejoinder to the submissions of the respondents made in August, 1994. We find that this Tribunal having the opportunity of examining the issue in October, 1994 had held that the MA has no merit and the same was accordingly dismissed. While dismissing the same, it was observed that if at the time of final hearing it was found that there were vacancies for the reserved categories and that there are possibilities of any employee like the applicant herein getting ^{unduly} ~~deprived~~ ^{loss} of an opportunity to appear in the examination held in December, 1994 or thereafter, proper order giving full ^{loss} presentational benefits shall be passed.

3. This case was listed at Item No. 2 in the regular cause list as on date i.e. 13.8.1999 and none has appeared even on the second call. We find that the issue that was to be adjudicated related to the availability of latest position of the reserved vacancies as was required to be available in the year 1994. Apparently, the position of vacancies has not been pressed for by the applicant and it appears that he is not interested in pursuing the matter. It is also apparent that the position as indicated by the respondents in their additional affidavit ^{loss} in August / 1994 has not been controverted by the applicant.

4. In the facts and circumstances of the case, we find no merit in the application. O.A. is accordingly dismissed. No order as to costs.


(S.P. Biswas)
Member(A)


(Smt. Lakshmi Swaminathan)
Member(J)

'SRD'