

Central Administrative Tribunal
Principal Bench

New Delhi, dated this the 15th October, 2001

HON'BLE MR. S.R. ADIGE. VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI. MEMBER (J)

1. O.A. No. 879 of 2000
M.A. No. 2555 of 2000
M.A. No. 2841 of 2000

Shri Ram Charan Vashisht.
S/o Shri Kartar Singh.
R/o RZ-F-1/30. Gali No. 1. F1 Block.
Mahavir Enclave.
New Delhi-110045. .. Applicant

Versus

1. Govt. of NCT of Delhi through
its Chief Secretary.
5. Sham Nath Marq.
Delhi-1100054.
2. The Chairman.
Delhi Subordinate Services Selection Board.
3rd Floor. UTCS Building.
Institutional Area.
Behind Karkardooma Courts Complex.
Vishwas Naqar.
Delhi-110032. .. Respondents

2. O.A. No. 880 of 2000
M.A. No. 2545 of 2000
M.A. No. 2644 of 2000

Shri Biliender Singh.
S/o Shri Bhullan Singh.
R/o 352. Gali No. 8-A.
East Vinod Naqar.
New Delhi-110091. .. Applicant

Versus

1. Govt. of NCT of Delhi through
its Chief Secretary.
5. Sham Nath Marq. Delhi-110054.
2. The Chairman.
Delhi Subordinate Services Selection Board.
3rd Floor. UTCS Building.
Institutional Area.
Behind Karkardooma Courts Complex.
Vishwas Naqar.
Delhi-110032. .. Respondents

(By Advocates: Shri G.D. Gupta for applicants
Shri Vijay Pandita for respondents)

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ORDERS.R. ADIGE. VC (A)

As both O.As involve common questions of law and fact, they are being disposed of by this common order.

2. Applicants in both O.As seek a declaration that the two posts of Lecturer in Political Science in the pay scale of Rs.6500-10500, stated to be reserved for ex-servicemen and advertised by the Delhi Subordinate Selection Board in the newspaper on 31.7.98 (Annexure A-1), are Class III/Group C posts as per advertisement and statutory rules, and therefore there was reservation for the said posts. They challenge respondents' action in deleting their names from selection to the said post and seek a direction to respondents to appoint them to the said posts with consequential benefits.

3. Admittedly in the aforesaid advertisement which appeared in the newspaper on 31.7.98 the post of Lecturer in Political Science was stated to be in the scale of Rs.6500-10500, but at the same time was described as a Group 'C' post. Applicants' counsel Shri G.D. Gupta asserted during hearing that as per relevant Recruitment Rules framed under Article 309 of the Constitution the post of Lecturer in question was Group 'C' posts and these Recruitment Rules had to prevail.




4. However. Dept. of Personnel & Training in its Gazette order dated 20.4.98 also issued under Article 309 of the Constitution, has declared that all posts carrying a pay/pay scale with a maximum of not less than Rs.9000/- but less than Rs.13000/-, would be Group 'B' posts.

5. It is, therefore, clear that when the aforementioned posts were advertised on 31.7.98. they should have been advertised as Group 'B' posts and were wrongly advertised as Group 'C' posts.

6. In Govt. of NCT. Delhi letter dated 14.1.99 it has been stated that Govt. of India have clarified in their letter dated 31.12.98 that no reservation was admissible in Group 'B' posts for ex-servicemen, except in Central Police Organisations.

7. As in terms of Gazette order dated 20.4.98, when the aforesaid 2 posts were advertised on 31.7.98 they were Group 'B' posts, and applicants' counsel has not shown us any materials to establish that on 31.7.98, reservation for exservicemen was available for aforementioned Group 'B' posts, no declaration/direction of the sort prayed for by applicants can be granted.



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8. The O.As with connected M.As are, therefore, dismissed. No costs.

9. Let a copy of this order be placed in each case record.

(Dr. A. Vedavalli)
Member (J)

karthik

(S.R. Adidev
Vice Chairman (A)

True Copy

Alankar

P. Anand

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