

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI. ✓

Regn. No. OA-54/89
MP-336/89

Date of decision 14.2.1989.

All India SC/ST Rly. Emp.
Association

.....Petitioner

Vs.

Union of India & Others

.....Respondents

For the petitioner

.....Shri P.L. Mimroth,
Advocate.

For the respondents

.....Shri Inderjit
Sharma, Advocate

CORAM:

THE HON'BLE MR. P.K. KARTHA, VICE CHAIRMAN (J)

THE HON'BLE MR. P. SRINIVASAN, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment?
2. To be referred to the Reporter or not? No

JUDGMENT (ORAL)

(Judgment of the Bench delivered by Hon'ble
Shri P. Srinivasan, Administrative Member)

This application filed under Section 19 of the
Administrative Tribunals Act, 1985 has come up before us today
to consider MP-336 of 1989. However, Shri Inderjit Sharma,
counsel on behalf of the respondents submitted that the
main application itself could be heard and disposed of today.
In view of this, counsel for both sides have been duly heard
on the merits of the main application.

P. Srinivasan

2. The first grievance of the applicant is that in notifying vacancies of Assistant Superintendent (Stores) in the Northern Railway to be filled up from internal candidates working as Head Clerks, the number of vacancies reserved for Scheduled Caste/Scheduled Tribes candidates had not been announced. Shri Sharma, Counsel for the respondents admits that this was a lapse on the part of the respondents and from the record of the respondents he has furnished the particulars. There were, in all, 20 vacancies to be filled, 13 to be filled by candidates from other communities, three from Scheduled Caste candidates and four from Scheduled Tribes candidates. Shri Mimroth, Counsel for the applicant is satisfied with this information and, therefore, nothing remains to be said about it.

3. The second grievance of the applicant in the application is that in the notification announcing the vacancies the number of existing and anticipated vacancies had not been shown. Shri Sharma furnished the requisite information today from the records of the respondents. There were 12 existing vacancies and 7 anticipated vacancies. 20% of the anticipated vacancies, i.e., one more post was notified making a total of 20. Shri Mimroth is satisfied with this information and nothing requires to be said about this.

4. The third grievance of the applicant is that two persons, namely, Shri M.L. Arora and Shri M.L. Sharma were wrongly admitted to the selection. Shri Sharma on behalf

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of the respondents submits that as against four posts for Scheduled Tribes, only one Scheduled Tribe candidate was available. According to the rules, candidates belonging to other communities could be called for selection since no Scheduled Tribe candidate were available for three vacancies. Their ultimate selection for appointment would, however, depend on the vacancies being dereserved and in that event these reservations would be carried forward to the next recruitment in accordance with the rules. Though Shri M.L. Arora and Shri M.L. Sharma were called for selection, one of them, namely, Shri M.L. Sharma did not take the test. In view of this the apprehension of the applicant that Shri Arora and Shri Sharma were wrongly called for test is not justified. This grievance, therefore, stands rejected.

5. The next grievance of the applicant is that adhoc service rendered by Scheduled Caste candidates had not been taken into account while considering their eligibility for the selection test. The instance of one Shri Pyare Lal was cited in this connection. Shri Pyare Lal joined service as a Clerk/Typist in the Railways in 1975 and thereafter obtained a number of promotion to eventually become Head Clerk. The contention of the applicant is that, if his seniority in the original cadre of Clerk had been rightly taken into account his seniority in the posts to which he was promoted in succession including that of Head Clerk would also have to be revised. Shri Sharma pointed out that the applicant could

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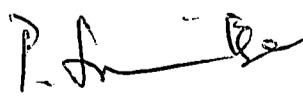
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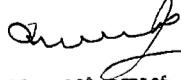
make a separate application regarding the correct seniority of Shri Pyare Lal and others similarly situated in the grade in which they were originally appointed and to work out their rights for further promotion to higher posts accordingly. Shri Mimroth agrees with this. The issue can be agitated by Shri Pyare Lal along with others by a separate application if they so deem fit.

6. Shri Mimroth submitted that now the written test is over and interviews are to be held for appointment as Assistant Superintendents, Scheduled Caste candidates should be interviewed separately as per the instructions of the Railway Board. Shri Sharma fairly admitted that interviews will be conducted according to the instructions and the Scheduled Caste candidate will be separately interviewed. The applicant cannot have any grievance on this count.

7. Shri Mimroth next submitted that all appointments should be made in accordance with the revised roster. Shri Sharma assures us that all appointments will be strictly made in accordance with the instructions of the Board and the roster maintained thereunder. The applicant should, therefore, have no grievance on this count as well.

8. The application is disposed of on the above terms at the stage of admission itself leaving the parties to bear their own costs. MP-336/89 also stands disposed of.


(P. SRINIVASAN)
MEMBER (A)


(P.K. KARTHA)
VICE CHAIRMAN (J)