

(8)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA No. 722/86

Date of decision: 17-7-92

Sh. Om Prakash, ESM-I

.. Applicant

Sh. G.D. Bhandari

.. Counsel for the applicant

Versus

U.O.I.

.. Respondents

Sh. O.N. Moolri

.. Counsel for the respondents.

CORAM

Hon'ble Sh. P.K. Kartha, Vice Chairman, (J)

Hon'ble Sh. B.N. Dhoundiyal, Member (A)

1. Whether Reports of local papers may be allowed to see the judgement? *Yes*

2. To be referred to the Reporters or not ? *yes*

JUDGEMENT

(Of the Bench delivered by Hon'ble Sh.B.N. Dhoundiyal,
Member(A)

This OA has been filed by Shri Om Prakash ^{by} ~~for~~ ^{Challenging} his non-promotion to the reserved vacancy of Signal Inspector in the Grade Rs. 425-700 in Bikaner Division of Northern Railway/ ^{w.e.f. 28.6.80} in spite of his being senior-most eligible ESM-I belonging to the S.T. category.

2. The applicant was appointed as Electrohic Signal Maintainer-III after selection and training in 1975 and was eventually given Grade-I (Rs. 380-560) on 28.6.80. Even after working at this post continuously for six years, he had not been confirmed. There was a clear vacancy of Signal Inspector (Rs. 425-700) against 40% vacancies reserved for SC/ST candidates since 1979 against which adhoc appointment was given to a general candidate, Shri Joginder Singh, ^{who} was continued at the post for six years till his superannuation on 31.5.86.

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3. The applicant has referred to the Railway Board's letter No. E(SCT)68 CM 15/12 dated 10.12.71 which provides that adhoc promotions to reserve vacancies exceeding 45 days should only be made out of senior-most eligible SC/ST candidates and letter No. E(SCT) 70 CM 10 dated 20.4.1970 which provides for interchangeability of vacancies reserved for Scheduled Castes and Scheduled Tribes in case of vacancies remaining unfilled for three years. There was only one scheduled Tribe candidate (Shri Lala Ram) who did not have the requisite educational qualifications and who failed in the selection. Despite this, Shri Lala Ram was wrongly empanelled as Signal Inspector in 1983. Even though the applicant was qualified and his service records was good, he was not considered for promotion to this post. The applicant prays that the respondents be directed to promote him as Signal Inspector in Grade Rs. 425-700 w.e.f. 28.6.1980, the date from which he became due for ad-hoc promotion.

4. The respondents have stated in their counter affidavit that the applicant has to await his turn in the seniority list for confirmation as ESM-I, that his senior, Shri Manna Lal was empanelled as S.C. candidate for the post of Signal Inspector on 11.8.82 and that promotion of Shri Joginder Singh on ad-hoc basis was made with the approval of the Headquarters against direct recruitment quota and not against a reserved post in 1979 when the applicant was working only in ESM Grade-II and was not eligible for promotion against the S.C. quota. In 1983, when Shri Lala Ram failed in the selection, three selection years had not ^{LN} passed and hence the post ^{reserved LN} ~~reach~~ for ST could not be given to a scheduled caste candidate.

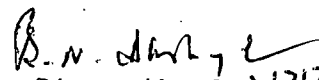
5. We have gone through the records of the case and heard the arguments of the learned counsel. In 1979, the applicant was not eligible for promotion as he was still in ^{LN}


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Grade-II and his admitted senior, Shri Munna Lal, was empanelled only on 11.8.82. It is also admitted that against the roster point for ST, Shri Lala Ram was considered in 1983 but he failed. Shri Lala Ram has since been placed on the panel of S.I., after keeping in abeyance the prescribed educational qualifications vide Railway Board's letter dated 4.9.1986.

6. In the facts and circumstances of the case, we are of the opinion that the applicant does not have any claim on the post earmarked for the scheduled ^{Tribe} ~~caste~~ and consequently he is not entitled any relief. The application is, therefore, dismissed.

The parties will bear their own costs.


(B.N. Dhoundiyal) 17/7/92
Member (A)


(P.K. Kartha)
Vice Chairman (D)