

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

3

REGN. NO. D.A. 1388/87.

DATE OF DECISION: 18.1.1993

T.J. Albert.

... Petitioner.

Versus

Union of India & Ors.

... Respondents.

CORAM:

THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.
THE HON'BLE MR. I.K. RASGOTRA, MEMBER(A).

For the Petitioner.

... None.

For the Respondents.

... Shri P.P. Khurana,
Counsel.

JUDGEMENT (ORAL)

(By Hon'ble Mr. Justice V.S. Malimath,
Chairman)

The petitioner, who has retired, has prayed for a declaration that the result of the D.P.C. held on 25.8.1987 for the post of Head Reader is illegal and for a declaration that the action of the respondents in not preparing the select list separately for Scheduled Tribe Officers is violative of Articles 14 and 16 of the Constitution and for a further direction to the respondents to prepare a select list separately for Scheduled Tribe Officers and to consider the petitioner for the post of Head Reader and to appoint him from the date when he became eligible for the said post and for consequential benefits.

2. The case of the petitioner is that the petitioner is a Scheduled Tribe candidate for whom there is reservation. He has a grievance to make on the ground that the benefit of reservation has not been given to him and his case has not been considered by the D.P.C. held on 25.8.1987. According to him, the D.P.C. was a general D.P.C. for considering the case of all eligible persons. He avers that there should have been a separate D.P.C. exclusively for the Scheduled Tribe candidates.

(4)

3. In the reply filed by the respondents, it is specifically pleaded that no DPC proceedings were held on 25.8.1987 in which any selection was made to the post of Head Reader. Mere fact that the meeting is held is not enough for the petitioner to make a complaint. No selection process was gone into on that date. Hence, the question of declaring the proceedings of that date as illegal does not arise. So far as the claim of the petitioner for promotion to the post of Head Reader is concerned, it is stated in the reply that the petitioner is the seniormost among the Scheduled Tribe candidates and that, therefore, in the first available vacancy meant for the Scheduled Tribe, his case would be considered if he is otherwise eligible. It is pointed out that at no point of time when the turn of the Scheduled Tribe candidates arrived, there was any candidate belonging to that category available. The petitioner was also not eligible when the DPC held to consider the claim of the Scheduled Tribe candidates according to 40 point roster. As no eligible Schedule Tribe candidate was available in 1978, the vacancy was filled up by a Scheduled Caste candidate. Two vacancies occurred in the years 1982 and 1984. During those years also, the petitioner was also not eligible as he did not satisfy the requirements for the post. The question of considering the case of the petitioner in the years 1982 and 1984 did not, therefore, arise. Thereafter, no D.P.C. was held as alleged by the petitioner. Hence, the question of considering his case did not arise. It is obvious that the petitioner being the seniormost Scheduled Tribe candidate, his case would be considered on his attaining eligibility for the post. Hence, it follows that the petitioner cannot make any grievance about his non-selection or appointment.

4. The question of holding a separate selection for the Scheduled
✓ Tribe candidates also does not arise as it is obvious that when the

5

authorities have to fill up the vacancies meant for the Scheduled Tribe candidates, the D.P.C. has necessarily to find out the eligible candidates belonging to the Scheduled Tribe categories.

5. For the reasons stated above, this petition fails and is, therefore, dismissed. No costs.

I.K. Rasgotra
(I.K. RASGOTRA)
MEMBER(A)

V.S. Malimath
(V.S. MALIMATH)
CHAIRMAN

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