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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

REGN.NO. O.A. 139/87.

DATE OF DECISION: 3rd August, 1992.

S. Mahadeva Ayyar.

.... Petitioner.

Versus

Union of India.

.... Respondent.

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 Respondent.

.... Shri A.K. Behra, proxy
for Shri P.H. Ram-
chandani, Sr. Counsel.

JUDGEMENT (ORAL)

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

None appeared either for the petitioner or for the respondents. As this is a very old case, we consider it appropriate to look into the record, hear the learned counsel for the respondent and dispose of this matter on merits.

2. The petitioner started his career as Assistant in the Ministry of Production w.e.f. 24.7.1956. He was in due course promoted as Section Officer on 19.1.1966. He was further selected and appointed as Under Secretary in the year 1979. Occasion arose for filling up the ^{posts in the} next higher grade, namely, the selection grade. For that purpose, a select list was prepared and 37 persons were appointed as is clear from Annexure-III.

The petitioner's name does not find place in the said list.

It is in this background that the petitioner has approached
✓ the Tribunal for appropriate relief.

3. The petitioner's case is that the selection made in the year 1986 has resulted ⁱⁿ more than 50% of the posts being reserved in favour of the Scheduled Caste/Scheduled Tribe candidates. This inference is sought to be drawn from Annexure-III which contains a list of 37 persons which have been included in the select list. Out of 37 persons, 25 persons are admittedly members of the Scheduled Caste/Scheduled Tribe. It is, therefore, clear that only 12 persons out of 37 were from amongst the general merit candidates. It is clear from the reply of the respondents that the case of the petitioner was also considered by the D.P.C. along with 37 persons whose names were included in the select list. He was, however, not included in the said list as he did not come within the range of consideration having regard to the assessment of his merit by the D.P.C. The assumption made by the petitioner that there is more than 50% reservation in favour of the Scheduled Caste/Scheduled Tribe candidates does not appear to be correct. The petitioner has not relied upon any rule or order which reserves more than 50% of the vacancies in favour of the Scheduled Caste/Scheduled Tribe candidates. It is not right to draw an inference that there is more than 50% reservation in favour of the Scheduled Caste/Scheduled Tribe candidates ^{merely because} we find more than 50% of the persons belonging to the Scheduled Caste/Scheduled Tribe in the select list.

The reason why such large number of Scheduled Caste/Scheduled Tribe candidates got into select list has been explained by the counsel for the respondents. The petitioner himself has produced the order of the Government Annexure-II dated 26.3.1970

which prescribes the minimum standard for members of the Scheduled Caste/Scheduled Tribe to get included in the select list. It provides that if the D.P.C. assesses the merit of the members of the Scheduled Caste and Scheduled Tribe as not unfit for promotion, their names have to be included in the select list to the extent the number of vacancies are available in accordance with the relative merit of the candidates as assessed by the D.P.C. The order Annexure-II has not been challenged. Hence, the operation of the same faulted by the authorities cannot be Annexure-II, as already stated, is not an order regarding reservation of the members of the Scheduled Caste and Scheduled Tribe. It is only an order which prescribes the minimum standard for the Scheduled Caste/Scheduled Tribe candidates to get included in the select list. As the case of the petitioner has been considered and he was not included in the select list having regard to the grade he obtained, he cannot make a grievance about his non-consideration for promotion on the basis of Annexure-II.

4. We are also informed by the learned counsel for the respondents that the petitioner was selected as per the select list prepared in the year 1987. He subsequently retired in the year 1991. In the circumstances, we do not find any ground to interfere. This petition fails and is, therefore, dismissed. No costs.

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

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