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DATE OF DECISION 23.5.1988

None \_\_\_\_\_ Advocate for the Respondent(s)

The Hon'ble Mr. Justice M. D. Jain, Vice Chairman

1. Whether Reporters of local papers may be allowed to see the Judgement ? *N o*
2. To be referred to the Reporter or not ? *N o*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *—*
4. Whether to be circulated to all the Benches ? *—*

( J.D. JAIN )  
VICE CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI.

REGN. NO. OA 668/87

Dated: 23.5.1988

Shri Lallu Singh ..... Applicant

Vs.

Union of India & others ..... Respondents.

Coram: Hon'ble Mr. Justice J.D. Jain, Vice Chairman  
Hon'ble Mr. Kaushal Kumar, Member

For the Applicant ..... Shri R.K. Kapoor, Counsel

For the Respondents .... None.

(Judgement of the Bench delivered by Hon'ble  
Mr. Justice J.D. Jain, Vice Chairman)

The applicant joined the service of the Respondents as a Clerk in the Statistical Department. In due course of time he was promoted as Superintendent in the Statistical Branch with effect from 10.5.1982. The next higher post for promotion from the post of Superintendent is Assistant Statistical Officer which is a Group 'B' post. The Respondents held an examination on 15.1.1986 in order to select the person who may be entitled to the promotional post. However, the result of the said examination has not been declared till now. It will be pertinent to note that there is only one vacancy of Assistant Statistical Officer which according to the applicant is reserved for the Scheduled Caste candidates and he is a Scheduled Caste candidate. In the meanwhile, however, what happened was that one Shri Parmanand, Senior Statistical Inspector filed a petition before the Allahabad Bench of the Central Administrative Tribunal. He challenged the decision of the Respondents to treat the vacancy in question as reserved one for the Scheduled Castes. The

Respondents thereupon having withheld the pronouncement of the result, promoted one Shri Yogeshwar, Respondent No.E herein to the post of Assistant Statistical Officer on an ad hoc basis. The stand of the Respondents is that Shri Yogeshwar was fulfilling all the required guidelines for promotion to Class-II post of Assistant Statistical Officer <sup>an</sup> on/ad hoc basis pending selection, to be replaced by a duly selected person.

2. The grievance of the applicant is that he was not appointed <sup>an</sup> on/ad hoc basis although he was much senior to Mr.Yogeshwar. The reply of the Respondents states <sup>an</sup> that he was considered for/ad hoc appointment to the post of Assistant Statistical Officer but he was not found <sup>the</sup> suitable. Now that question is beside/mark inasmuch as according to the applicant Shri Yogeshwar has since retired from the post of Assistant Statistical Officer and the same is lying vacant.

3. Learned counsel for the applicant further states that the petition filed by Shri Parmanand before the Allahabad Bench of the Central Administrative Tribunal has since been dismissed. Thus there is no impediment in the way of the Respondents to declare the result of the examination held on 15.1.1986. Unfortunately there has been no appearance on behalf of the Respondents today although the matter has been pending for about a year.

4. In the circumstances after hearing the arguments of the learned counsel for the applicant and going through the record we feel that it is a fit case where a direction to declare the result of the examination held on 15.1.1986 and to fill up the vacancy of Assistant Statistical Officer on the basis of the said result in accordance with the Rules of the Department should be issued. Hence

we issue a direction accordingly to the Respondents to be implemented with<sup>in</sup> a period of two months from the date of receipt of this order. We may, however, clarify that the post of Assistant Statistical Officer shall not be filled in on<sup>an</sup> ad hoc basis in the meanwhile.

5. The application is disposed of in the above terms. In the circumstances no order is made as to costs.

  
( KAUSHAL KUMAR )  
MEMBER

23.5.1988

  
( J. D. JAIN )  
VICE CHAIRMAN

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