

In the Central Administrative Tribunal

Principal Bench: New Delhi

OA NO.110/87

Date of decision: 31.07.92.

Shri Hari Singh & Others

...Applicants

Versus

Union of India & Others

...Respondents

Coram:-

The Hon'ble Mr. Justice V.S. Malimath, Chairman

The Hon'ble Mr. I.K. Rasgotra, Administrative Member

For the Applicants : None

For the respondents : Shri A.K. Behra, proxy
counsel for Shri P.H.
Ramchandani, Senior
Counsel.

Judgement (Oral)

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

None appeared for the applicants when the case was taken up. Shri A.K. Behra, proxy for Shri P.H. Ramchandani appeared for the respondents. As this is a very old matter, we consider it appropriate to dispose of it on merits.

2. There are four applicants in this case who all belonged to the Scheduled Caste category. They were Accounts Officers which are Group 'B' posts and they claim promotion to the post of Assistant Controller of Defence Accounts which is a Group 'A' post. Their case is that though the Departmental Promotion Committee met from 1978 to 1985, they did not make any effort to give the benefit of reservation in the matter of promotion to the cadre

of Assistant Controller of Defence Accounts with the result they lost the benefit of promotion during those years.

3. Shri Behra, learned proxy counsel for the respondents pointed out that the applicants were not entitled to the benefit of reservation as during the relevant years no reservation was available for the members of the Scheduled Caste and Scheduled Tribe community in the matter of filling up the posts of Assistant Controller of Defence Accounts by the process of promotion. He pointed out that under the relevant rules 80% of these posts are to be filled up by direct recruitment and 20% by promotion. Annexure R-2 is the order, regulating the reservation made on 25.02.1976 which held the field at the relevant point of time. The said order makes it clear that the benefit of reservations for SC/ST in the matter of promotion would be available only when the direct recruitment to the particular cadre does not exceed more than 66-2/3%. So far as the posts of Assistant Controller of Defence Accounts are concerned, during all the relevant years from 1978 to 1985 80% of these posts were required to be filled by direct recruitment. Hence Annexure R-2 could not come to the aid of the members of the SC/ST community to claim the benefit of reservation in favour of the members of the SC/ST in the matter of promotion

to the cadre of Assistant Controller of Defence Accounts.

Hence on this short ground this Application is liable to be fail. It is, accordingly dismissed. No costs.

I.K. Rasgotra
(I.K. Rasgotra)
Member(A)

V.S. Malimath
(V.S. Malimath)
Chairman

July 31, 1992.

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