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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

RA.No.222/94 in OA.2054/89

Dated this the 26th of April, 1995.

Shri N.V. Krishnan, Hon.Vice Chairman(A).
Dr. A. Vedavalli, Hon. Member(J).

Shri Vishnu Shanker Prasad,
S/o Shri J.P. Sharma,
Assistant Executive Engineer(Road),
Ministry of Surface Transport (Roads),
Transport Bhawan, 1, Parliament Street,
New Delhi. ...Applicant

By Advocate: Shri Niranjana Bose.

versus

1. Union of India through the
Secretary,
Ministry of Surface Transport,
Transport Bhawan,
1, Parliament Street, New Delhi.
2. Director General (Road Development),
Ministry of Surface Transport (Road Wing),
Transport Bhawan, 1, Parliament Street,
New Delhi.
3. Director (Roads),
Ministry of Surface Transport (Road Wing),
Transport Bhawan, 1, Parliament Street,
New Delhi.
4. Shri P. Halder,
Assistant Executive Engineer (Road),
(Min. of Surface Transport(Road Wings),
8. Lindsley Street, Calcutta. ...Respondents
5. Shri S.S. Nahar,
Assistant Executive Engineer(Road),
Ministry of Surface Transport (Roads),
Transport Bhawan, 1, Parliament Street,
New Delhi. ...Respondents

By Advocate: Shri M.M. Sudan.

O R D E R (Oral)

The applicant seeks a review of the order dated 28.4.94 by which the OA was dismissed. On that date, the learned counsel for the applicant was not present. The learned counsel for the respondents was heard and order was passed.

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2. It is seen that we have accepted the contention of the respondents that only 10 vacancies would be available under 75% quota and that out of this, 5 posts are reserved for SC/ST including carry over vacancies. The applicant being a general candidate was placed at Sl.No.6 in the panel and hence could not be accommodated. We also found that though three vacancies earmarked for SC/ST were kept vacant out of the carry over vacancies mentioned above, the applicant does not have the right to appointment.

3. In the RA, it is first pointed out that if the 75% quota for promotion of Group-A officers and 25% quota for Group-B officers is worked out in the manner shown in para-7 of the RA, 11 vacancies would have gone to the Group-A officers, to which group the applicant belongs. In that case, even if 5 vacancies are earmarked for SC/ST, there would be 6 vacancies for Group-A officers. This aspect has not been considered.

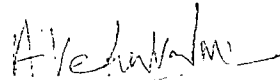
4. It is next pointed out that, in accordance with the OA of the Department of Personnel & Training dated 30.4.93, a concept of reservation is available for adhoc promotion, but the concept of carry over is not available. It is pointed out that this O.M. is not discussed in this order, as a result of which, we accepted the contention of the respondents for reservation on the basis of carry over.

5. The respondents have filed the reply opposing the RA.

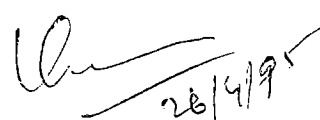
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4. We have considered the reply. The reply does not meet the two points mentioned above. In the circumstances, we are satisfied that there is an error apparent on the face of our order for review. Accordingly, that order is recalled. The RA is allowed. The OA will be heard again. Call on 29.5.95 subject to part heard.


(Dr. A. Vedavalli)
Member(J)

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(N.V. Krishnan)
Vice Chairman(A)