

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

CCP-125/89 In

O.A. No. 673/89

T.A. No.

199

DATE OF DECISION 5.9.1990.Shri Prabhu Lal & AnotherPetitionerShri S.K. BisariaAdvocate for the Petitioner(s)VersusUnion of India & OthersRespondentShri R.S. AggarwalAdvocate for the Respondent(s)

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The Hon'ble Mr. P.K. Kartha, Vice-Chairman (Judl.)

The Hon'ble Mr. D.K. Chakravorty, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? *yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

(Judgement of the Bench delivered by Hon'ble
Mr. P.K. Kartha, Vice-Chairman)

The petitioner is the original applicant in OA-673/89. His grievance is that the respondents did not comply with the interim order passed by the Tribunal on 4.4.1989 to the effect that any dereservation of vacancies earmarked for Scheduled Castes and Scheduled Tribes should be strictly in accordance with the relevant rules.

2. The petitioner has stated that the respondents wrote a letter on 21.3.1989 for dereservation of the reserved vacancies for S.C./S.T. categories in the Cadre of Inspectors, i.e., 8 vacancies belonging to S.T. in the ministerial cadre, 4 vacancies belonging to S.C. in the Stenographers category, and 4 vacancies in the category of S.T. in Stenographers category. Thus, in all, they have

requested for dereserving 16 vacancies with a view to promoting persons from the general category to the posts of Income Tax Inspector. While doing so, the respondents did not follow the procedure prescribed for reservation. The approval for dereservation was given vide letter dated 10th April, 1989. It is alleged that this constitutes contempt of this Tribunal.

3. The respondents have stated in their reply affidavit that according to the relevant instructions, the total number of vacancies has to be apportioned between Ministerial Cadre and Stenographers Cadre in 3 : 1 ratio. This will be further divided as under:-

- (a) Seniority Ministerial Quota;
- (b) Year of passing Ministerial quota;
- (c) Seniority Stenographers quota; and
- (d) Year of passing Stenographers quota.

4. The respondents have submitted that four separate rosters are to be maintained for the above mentioned four channels of promotion.

5. The respondents stated that they have strictly followed the above instructions. Since under Stenographers quota, no eligible SC/ST is available, the posts earmarked for reserved candidates have to be filled in by general candidates after getting them dereserved as no point can be left blank in the Roster as per the directions of the Home Ministry set out in Annexure R-II to the reply affidavit at pages 23-26 of the paper-book.

6. The respondents have further stated that the post of Inspector is a selection post. The following conditions

or

have to be followed for promotion to the said post:-

- (a) The candidate should fulfil eligibility conditions prescribed in the recruitment rules and no relaxation is admissible to S/C, S/T candidates.
- (b) The concept of Zone of consideration is applicable.
- (c) The S/C, S/T candidates who are within the normal zone of consideration should first be considered in accordance with general standards with others and may be included in the Select List.
- (d) If S/C, S/T candidates are not available for all the reserved vacancies, then separate lists for S/Cs and S/Ts are to be prepared in accordance with para.12.2 (c) (2) of Chapter 12 of Brochure of S/C and S/T (Annexure R-III). In these lists S/C, S/T candidates are to be adjusted amongst themselves irrespective of merit and the required number of candidates are to be taken.
- (e) A final common Select List will be prepared in which names will be arranged and promotion will be made as and when vacancies occur and not according to roster points.
- (f) The Select List should relate to the number of existing and anticipated vacancies which are likely to occur during the course of the year.

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7. The respondents have stated that they have strictly followed the above points while effecting the dereservation.

8. We have carefully considered the rival contentions. There is no material on record to indicate that the respondents have deliberately and wilfully disobeyed the interim order passed by the Tribunal on 4.4.1989. In view of this, the C.C.P. is dismissed and the notice of contempt discharged.

There will be no order as to costs.

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(D.K. Chakravorty)
Administrative Member

5/9/1990

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(P.K. Kartha)
Vice-Chairman (Judl.)