

3

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI.

DATE OF DECISION: 10.5.90.

O.A. No. 178/90

RML Hosp. SC/ST Empl. Wel. Association ... Applicants

Vs.

UOI & Ors.

... Respondents.

CORAM:

Hon'ble Shri T.S. Oberoi, Member (Judicial).

Hon'ble Shri I.K. Rasgotra, Member (Admn.)

For the applicants: Shri S.C. Luthra, Advocate.

For the respondents: Shri M.L. Verma, Counsel.

JUDGMENT.

(delivered by Hon'ble Shri T.S. Oberoi, Member).

The grievance in this O.A., filed by the applicant-Association, under Section 19 of the Administrative Tribunals Act, 1985, briefly stated, is that in spite of clear directions from the Government to appoint as many as possible, candidates from the Scheduled Castes/Scheduled Tribes, against the vacancies reserved for them, respondent No. 2 is not complying with the same, and on flimsy grounds, such as, ACRs of the concerned candidates of this category, having not been written by the concerned officers, candidates from the general category are being appointed, against the quota of SC/ST aspirants. It is also the case of the applicant-Association that in spite of clear directions from the Government to appoint only SC/ST candidates, against the quota of vacancies meant for them and in case of non-availability of such like candidates in a particular year, the vacancies meant for them be carried over to the next year as back-log vacancies and

- 2 -

should not be filled up by resorting to de-reservation of the vacancies meant for these communities, nothing worthwhile has been done by respondent No. 3, in spite of representations to this effect to the concerned authorities. The applicants also alleged that in spite of availability of suitable candidates amongst the SC/ST candidates, for being appointed in leave vacancies, candidates from the general category are being appointed, to the detriment of the former, by appointing general category candidates on ad hoc basis, and there are also instances such as Annexure 'X' (page 10 of the paper book, filed alongwith the rejoinder), where a Scheduled Caste candidate has been reverted and instead, a candidate from general category has been appointed.

2. The respondents in the counter filed on their behalf, have refuted the allegations, stating that the O.A. is not maintainable as it is too vague. The respondents have asserted that nothing has been done in contravention of the Rules on the subject or the directives issued by the Govt., from time to time. It was also stated that whatever appointments made out of the general category candidates, have been made for the posts for which there were no reservations for the Scheduled Caste/Scheduled Tribe candidates, and that the allegations in the O.A. seem to be based on some misapprehensions. It was also averred that the prayer and relief sought for in the O.A. are too vague, and no clear and precise instance has been brought out, listing the violation of the Government instructions on the subject, and in case, there did exist any such instance, that should form the subject matter of a separate O.A., rather than in this O.A., which has been made, in too generalised a manner. It was also stated that the Institution, handled by Respondent No. 2, being a Hospital, the special needs of that institution in the interest of health of the patients and general

public, have to be kept in view and, for the same reasons, vacancies could not be allowed to be left unfilled, for unduly long spells.

3. In the rejoinder filed, it was stressed that it was, by no means, meant to cause dislocation in the work of the hospital; rather, the purpose of moving the present application was to get the grievances of the Scheduled Castes/Scheduled Tribe candidates redressed, in consonance with the instructions issued by the Government, from time to time. Certain instances of Scheduled Caste candidates having been by-passed, by appointing candidates of general category, as earlier mentioned, were re-stressed.

4. We have carefully considered the rival contentions, as briefly discussed above. The grievance of the applicants in the present O.A., precisely speaking, are two-fold. Firstly, not to get the vacancies of the previous years, meant for candidates from the Scheduled Caste/Tribe communities, lapsed; rather to be treated as carried over for the next year as back-log vacancies, and, secondly, to stress the importance of not resorting to filling the vacancies from general category candidates, by adopting means like appointing non-SC/ST candidates against leave vacancies, by making appointments on ad-hoc basis, etc. The instructions of the Government, issued from time to time, particularly as evident from a perusal of Annexures A-1 and A-3, are quite clear. Needless to say that such like instructions are meant to be followed scrupulously, by all concerned. However, the grievance in the present O.A., being in too generalised a form, and no specific grievance having formed the subject-matter of the present O.A., we refrain from passing any orders, in particular, and confine ourselves to making observations that the

Ex

instructions contained in the directives, referred to in the application, be adhered to by the respondents. The applicants would also be at liberty to bring to the attention of the concerned authorities, any specific instance, and after availing departmental remedies as per Rules, and to approach this Tribunal for the purpose, in due course, if necessary.

5. The O.A. stands disposed of accordingly, leaving the parties to bear their own costs.

I.K. Rasgotra
(I.K. Rasgotra)
Member (A) 07/90

T.S. Oberoi
(T.S. Oberoi)
Member (J) 10.5.90