

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

O.A No. 1944/92

New Delhi this the 30th day of July, 1997.

Hon'ble Shri S.R. Adige, Member (A)

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

1. Shri Virender Kumar Ahuja
Son of Shri Amar Nath Ahuja, R/O
H.No. 1277, Sector-IV, Urban Estates, Gurgaon,
Haryana.

Office Address.

Shri Virender Kumar Ahuja
Head Draftsman (Construction)
Dte. of Naval Designs,
Naval Headquarters, A/33, Kailash Colony,
New Delhi.

2. Shri Manmohan Datta
son of Shri M.L. Datta,
resident of H.No. 28/7, Shaktinagar, Delhi-7

Office Address

Shri Manmohan Datta son of Sh. M.L. Datta,
Head draftsman (Construction), Dte. of Naval
Architecture, Naval Headquarters, D Wing, Sena
Bhawan, New Delhi-110011.

... Applicants

(None for the applicants)

Vs.

1. Union of India, through its Secretary,
Ministry of Defence, New Delhi-11
 2. The Chief of the Naval Staff, through Dte.
of Civilian Personnel, Naval Headquarters,
New Delhi-110011
 3. Shri K.R. Garg, Chief Draftsman
 4. Shri S.K. Sarkar, " Draftsman
- Both C/O Directorate
of Naval Design, A-33,
Kailash Colony, N/Delhi-48

(By Advocate Shri S.M. Arif)

... Respondents

ORDER (ORAL)

(Hon'ble Shri S.R. Adige, Member (A))

Applicants pray that two vacancies meant for ST
and
candidates be declared unreserved / offered to the general
candidates as none of the ST candidate is available in the
eligibility zone or the extended zone, and the respondents cannot

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carry forward the vacancies even after the three recruitment years.

Direction is also sought to the Respondent No.2 to hold DPCs at the regular and fixed intervals as per the provisions of law. Direction is also sought in favour of the applicants directing the respondent No.2 to withdraw the two vacancies of Chief Draftman given on loan to the Electrical discipline and one vacancy on deputation and a direction to respondent No.2 to declare the applicants promoted to Chief Draftman and Senior in the promoted posts from respondents 3-4 with retrospective effect. None appeared for the applicants when the case was called out, Shri S.M.Arif appears for the respondents and has been heard.

2. We note that this case was at Sl.No.7 in today's cause list and has been on Board since 25.7.97. As this is an old case, we, therefore, dispose it of after perusing the material on records and hearing the respondents counsel Shri Arif.

3. Shri Arif, learned counsel for the respondents has invited our attention to the respondents reply from which it appears that the respondents ^{hadn} ~~were~~ 6 reserved posts including carried forward four for SC and 2 for Scheduled Tribes. Accordingly the select list was prepared empanelling 4 for SC candidates and 2 for General candidates. Two vacancies reserved for Sch.Tribes were left unfilled. As the Government refused to grant approval for dereservation for the vacancies reserved for SC/ST, it had been decided to keep the vacancies unfilled to the required extent till the SC/ST candidates become available. Keeping this policy decision in view, the select list was issued for 6 persons, 2 Genl. candidates and 4 for SC candidates. Two vacancies reserved for ST as per records then ~~were~~ intimated to the DPC. On re-examination, it was found that the reservation position worked out to 3 SC and 2 Sch.Tribes. It implies that one more Genl.candidate could have been promoted. Accordingly,

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the proceedings of the DPC were reviewed by holding a review DPC, and we understand that the name of applicant No.1, Shri V.K.Ahuja has been included in the select list.

4. In so far as the applicants prayer for directing 2 vacancies meant for ST candidates be declared ^{as} unserved is concerned, the respondents appears to have taken the right decision not to deserve the vacancies, and under the circumstances any directions as sought for by the applicants would not be warranted, having regard to the Constitutional provisions to safe guard the legitimate rights of the SC/ST candidates.


5. Further more, no persons junior to the applicants in the General category have been promoted and the applicants cannot, therefore, claim that they have been discriminated.

6. Under the circumstances, there are no reasons to justify any judicial interference in this OA and it is accordingly dismissed.

No costs.


(Smt. Lakshmi Swaminathan)

Member (J)


(S.R. Adige)

Member (A)

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