

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,  
NEW DELHI.

R.A.No.239/94

In

O.A.No.3066/92

New Delhi 17<sup>th</sup> October, 1994

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HON'BLE MR.S.R.ADIGE, MEMBER(A)

HON'BLE MR.B.S.HEGDE, MEMBER(J)

Shri Suresh Sharma,

s/o Shri Tulsi Ram Sharma,

r/o F-4, Jawahar Part(West),

Laxmi Nagar, Delhi-110092

.....Applicant.

Versus

Union of India  
through the Secretary,  
Department of Official Languages,  
Lok Nayak Bhavan, Khan Market,  
New Delhi-110003.

2. Central Translation Bureau,  
through the Director,

Deptt. of Official Languages,  
Ministry of Home Affairs,  
8th Floor, Paryavaran Bhavan,  
CGO Complex, Lodhi Road,  
New Delhi-110003

.....Respondents.

ORDER (By Circulation)

By Hon'ble Mr. S.R.Aidge, Member(A)

In this application dated 4.7.94 bearing No.239/94 filed by the Union of India, a prayer has been made to review judgment dated 27.5.94 in O.A.No.3066/94 Shri Suresh Sharma Vs. UOI & others.

2. In that O.A., the applicant Shri Suresh Sharma had prayed for quashing of the Circular dated 28.10.92 issued by the Central Translation Bureau Official Languages Department, Home Ministry by which a post of UDC was sought to be filled by a Departmental Competitive Examination and for

a direction to the respondents to fill the said vacancy on the basis of seniority cum fitness as per recruitment rules from 21.10.91 when the applicant was promoted on adhoc basis and to consider the applicant's case for regularisation from that date with all consequential benefits.

3. The recruitment rules which came into force in 1972 for filling up the post of UDC require 75% of the posts to be filled by promotion on the basis of seniority cum merit and 25% to be filled by promotion on the basis of a Departmental Competitive Examination. The instructions also require that reservation rosters are to be maintained separately for each mode of promotion.

4. In the impugned judgment, it had been noted that these instructions did not appear to have been followed strictly. However, as no malafides were alleged, the Tribunal did not propose to go into what had happened in the past and directed that hereafter the rules/instructions should be strictly observed. As the last promotion in 1991 appeared to have been made by the 25% mode, the Tribunal directed that the three succeeding vacancies, including the impugned 17th vacancy be filled through the 75% mode having due regard to the reservation roster, and the applicant's case be considered for this 17th vacancy. If he be found fit, he be promoted against that vacancy, from the date it became available, subject to its not being a reserved vacancy. The impugned order dated 25.10.92 was quashed and the applicant ~~was~~ allowed, subject to the direction given above.

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5. In the review application, the grounds taken are firstly that the impugned vacancy was actually to be filled up through the 25% mode and is reserved for the S.T. Category under that mode; secondly, that the vacancy in 1991 under the 75% mode was not the 17th but the 15th vacancy; and thirdly that the applicant was promoted on regular basis vide order dated 6.8.93 and was directed to join duty at Bombay, but as he failed to do so, he stands debarred from promotion for a period of one year from that date.

6. The impugned judgment was categorical that the applicant's case for promotion against the vacancy in question be considered having due regard to the reservation roster, and he be promoted against that vacancy if found fit, subject to its not being a reserved vacancy. The vacancy in question being a reserved vacancy according to the respondents, the question of promoting the applicant against that vacancy does not arise, as admittedly the applicant does not belong to the reserved category. In that view, under which particular mode of promotion this impugned vacancy falls, i.e. whether under the 75% mode or under the 25% mode loses much of its relevance. As regards the third ground, the period of debarment from promotion which was operative for a period of one year from 6.8.93 would be deemed to have expired on 6.8.94. Hence this ground also loses its force.

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7. Under the circumstances, there are no good reasons to review the impugned judgment. This application is, therefore, rejected.

*B.S. Hegde*  
(B.S. HEGDE)  
MEMBER (J)

*S.R. Adige*  
(S.R. ADIGE)  
MEMBER (A)

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