

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No. 2126/93

New Delhi, this the 14th day of July, 1999

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Hon'ble Mr. Justice V. Rajagopala Reddy, Vice-Chairman (J)  
Hon'ble Mr. R.K. Aahooja, Member (A)

1. Shri Ram Kumar,  
S/o Shri Jhumaklal,  
R/o H. No. 118, Sector-3  
Pushp Vihar,  
New Delhi-110017.
2. Shri Amarjeet  
S/o Shri Kanahai  
r/o 920, Sector 3, M.B. Road,  
Pushpa Vihar  
New Delhi-110017
3. Shri Shiv Charan  
S/o Shri Ram Swarup  
r/o H.No. D-321-A  
Nangloi Ext. II  
Delhi 110041
4. Shri Jagdish Prasad  
S/o Shri Babu Lal  
r/o Flat No. 4  
CPWD Enquiry Office  
Sector XII, R.K. Puram  
New Delhi.
5. Shri Govind Sharan  
S/o Late Shri Gyan Ram  
r/o H. No. 130,  
Sarojini Nagar  
New Delhi.
6. Shri Satish Kumar  
S/o Shri Karan Singh  
r/o 1012 Sector III  
Pushpa Vihar  
New Delhi-110 017

(By Advocate: Shri George Parackin) ....Applicants

Versus

1. Union of India,  
through the Secretary,  
Ministry of Urban Development  
Nirman Bhavan,  
New Delhi 110011
2. The Director General of Works  
Central Public Works Department  
Nirman Bhavan,  
New Delhi 1100011

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3. The Secretary,  
Union Public Service Commission  
Dholpur House,  
Shajehan Road,  
New Delhi.

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.... Respondents

(By Advocate: None)

ORDER (Oral)

By Mr. R.K. Ahooja, Member (A)

The Union Public Service Commission had invited applications for a Limited Departmental Competitive Examination for promotion of Junior Engineers (Electrical) to the post of Assistant Engineers (Electrical) in the CPWD on 23.12.92. The number of notified vacancies was 36 out of which initially 13 were reserved for SC and 5 for ST candidates. Later on, according to the applicants, the number of vacancies reserved for Scheduled Castes was increased from 5 to 9. Applicants submit that the respondents thereafter made appointments to the post of Assistant Engineers on the basis of this Limited Departmental Competitive Examination to the extent of 18 for general category candidates, 12 for Scheduled Castes candidates and 1 for Scheduled Tribe candidate. They submit that as per rules respondents have exchanged three posts of ST quota to SC candidates.

2. The grievance of the applicant is that as per the scheme of reservation for SC and ST notified by the Department of Personnel & Training respondents should have utilised all the unfilled ST quota vacancies, and in case ST candidates were not available, by appointing SC candidates.

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3. Today when the matter came up for hearing learned counsel for the applicant Shri George Parackan cited the orders of this Tribunal in Ramesh Chandra Vs. Union of India in OA 1965/94 decided on 23.4.99. In that OA also the applicant have made a similar grievance of the inaction on the part of the respondents in non-utilising by way of exchanging, the unfilled ST vacancies <sup>by</sup> ~~for~~ appointment of SC candidates candidates in the merit list. The co-ordinate Bench of the Tribunal ~~and~~ after considering the pleadings of the party has given following direction:-

"In the light of the above, we allow this application and direct the respondents to consider, in consultation with the UPSC, the candidature of the applicant for being recommended subject to his merit position in the list of candidates who have qualified in the Limited Departmental Competitive Examination, 1992 for being appointed against the reserved vacancy as they have done in the case of three other SC candidates. There shall be no order as to costs".

4. We find that the case of the applicants herein is covered by the case of Ram Chandra Vs. U.O.I. (Supra) and therefore we are in respectful agreement with the decision of the co-ordinate Bench. We also are of the view that in terms of the instructions of the DOPT contained in the scheme of reservation for SC/ST para-11.2 of the Brochure the

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respondents should have appointed SC candidates against unfulfilled vacancies since these vacancies were not subject to carry forward.

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5. Accordingly we allow the application and direct the respondents to consider in consultation with the UPSC, the candidature of the applicants for being recommended subject to their merit position in the list of candidates who have qualified in the Limited Departmental Competitive Examination, 1992, for being appointed against the reserved vacancy in the same manner as they have done in the case of three other SC candidates. There shall be no order as to costs.

*R.K. Ahuja*  
(R.K. AHOOJA)  
Member (A)

*V. Rajagopal Reddy*  
(V. RAJAGOPALA REDDY)  
Vice-Chairman (J)

cc.