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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No.2607/1993.

New Delhi, this the 18th day of August, 1999.

HON'BLE SHRI JUSTICE K.M. AGARWAL, CHAIRMAN
HON'BLE SHRI N. SAHU, MEMBER (A)

Jagdish Prakash
S/o Late Shri Mangli Ram
working in the office of
Staff Selection Commission,
CGO Complex, Lodi Road,
New Delhi.

.....APPLICANT

(BY ADVOCATE SHRI M.K. GAUR)

vs.

1. The Secretary,
Department of Personnel & Training,
Ministry of Home Affairs,
North Block,
New Delhi-110 001.
2. The Chairman,
Staff Selection Commission,
Block No.12,
CGO Complex, Lodi Road,
New Delhi-110 003.
3. Smt. T.G.Kullu,
Data Processing Assistant, Gr. B,
Staff Selection Commission,
Block No.12, CGO Complex,
New Delhi-110 003.

.....RESPONDENTS

(BY ADVOCATE SHRI N.S.MEHTA)

ORDER

Shri Justice K.M. Agarwal:

In this O.A. the applicant has made a prayer for quashing the seniority list dated 5.11.1993 in so far as it relates to the applicant in the category of DPA Grade 'A' and that of the 3rd respondent in the category of DPA Grade 'B'. Further prayer is for redrawing the seniority list of DPA Grade 'B' by including the name of the applicant below that of Smt.Balamati Kachru at Sl.No.4 thereof. Consequential reliefs have also been claimed.

2. Briefly stated, the applicant belongs to the
Km Scheduled Caste community whereas the 3rd respondent belongs

to the Scheduled Tribe community. On 2.4.1973 the applicant was appointed as a Key Punch Operator and, thereafter, promoted to the post of Technical Assistant on 22.8.1977. He was confirmed as Technical Assistant on 22.8.1979. The 3rd respondent was junior to him in the cadre of Technical Assistant and accordingly in the final seniority list of Technical Assistants issued on 14.10.1991, his name was shown above the name of the 3rd respondent. He was at Sl.No.6 whereas the 3rd respondent was at Sl.No.7. There was restructuring of various posts in Electronic Data Processing (in short, 'EDP') Department as a result of which the posts of Technical Assistants were redesignated and classified as Data Processing Assistants (in short, 'DPA') Grade 'B' and Grade 'A'. The redesignation with pay scales was as follows:

No.of posts	Present Designation	Present pay scale	Revised Designation	Revised pay scale
1	2	3	4	5
3	Tech.Asstt.	Rs.1400-2300	Data Processing Asstt. Gr.'B'	Rs.2000-3200
15	Tech. Asstt.	Rs.1400-2300	Data Processing Asstt. Gr.'A'	Rs.1600-2660

Pursuant to the said restructuring of the posts of Technical Assistants, the aforesaid seniority list was revised and a provisional seniority list of EDP personnel was circulated on 12.4.1991. In this provisional seniority list, the name of the applicant was shown against the post of DPA Grade 'B' whereas that of the 3rd respondent was shown against the post of DPA Grade 'A'. Suddenly in the revised provisional seniority list dated 21.6.1993, his name was shown against the post of DPA Grade 'A' whereas that of the 3rd respondent was shown against the post of DPA Grade 'B' and, thereafter, by the impugned order dated 5.11.1993, the said provisional

seniority list dated 21.6.1993 was made final and implemented with effect from 11.9.1989. The representation to maintain his seniority by including his name against the post of DPA Grade 'B' in place of the name of the 3rd respondent was rejected and, therefore, this O.A. was filed for the aforesaid reliefs.

3. The application is resisted by the official respondents. In paragraph 1 of their reply, the following statement has been made:

".....The post of Data Processing Assistant Grade 'B' was treated as a promotion post, the feeder Grade being D.P.A. Gr. 'A'. The earlier placement of the Applicant as DPA 'B', which was found to be erroneous, had to be changed to DPA Gr. 'A', to give effect to the Roster point meant for ST candidate, namely Smt. T.G. Kullu i.e. third Respondent. So, it is not correct to say that the Applicant's placement in the lower Grade was made without any reason."

Further statement made in paragraph 4. (v) of the reply is as follows:

"The placement of the Applicant was revised to take care of roster point to make a place for an ST candidate, as per the reservation policy of the Government."

4. As earlier stated, the applicant belongs to the Scheduled Caste community whereas the 3rd respondent belongs to the community of Scheduled Tribe. Accordingly even if he was senior to the 3rd respondent, he could not claim the post of DPA Grade 'B' on the face of reservation policy and implementation of 40 point roster for ST candidates in the post of DPA Grade 'A'. For this reason, the applicant being a candidate belonging to Scheduled Caste community cannot assail the earlier promotion or placement of the 3rd respondent in the category of DPA Grade 'B' in his place.

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5. For the foregoing reasons if the provisional seniority list was amended on detection of the mistake, the applicant must not have any reasonable grievance. The application, therefore, deserves to be dismissed.

6. Accordingly this O.A. fails and it is hereby dismissed, but without any order as to costs.


(K.M. AGARWAL)
CHAIRMAN


(N. SAHU)
MEMBER (A)