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CENTRAL ADMINISTRATIVE TRIBUNAL : PRINCIPAL BENCH

OA No.885/93
MA No.2764/95

New Delhi this the 23rd day of January, 1996.

Hon'ble Sh. N.V. Krishnan, Acting Chairman
Hon'ble Smt. Lakshmi Swaminathan, Member (J)

1. Geological Survey of India SC & ST Employees Welfare Society, AK-79, Shalimar Bagh, Delhi-110052 through Sh. Harbans Singh President of the Society.
2. Sh. Kanaihya Singh
S/o Sh. Chanda Ram,
R/o AK-79, Shalimar Bagh,
Delhi-110052. ...Applicants

(By Advocate Sh. P.L. Mimroth)

Versus

1. Union of India through Secretary, Ministry of Steel & Mines, Department of Mines, Govt. of India, New Delhi.
2. Director General, Geological Survey of India, 27, J.L.N. Road, Calcutta-700016.
3. The Chairman, National Commission for SC/ST, Lok Nayak Bhawan, near Khan Market, New Delhi. ...Respondents

(By Advocate Sh. K.C.D. Gangwani)

ORDER (Oral)
(Hon'ble Sh. N.V. Krishnan, Acting Chairman)

In the O.A., as originally filed, the applicant had sought the following principal reliefs:

"I) To take immediate steps for providing adequate representation of S/CS & S/TS Officers in all high grades of Geological Survey of India with retrospective effect by way of strict observance of extant reservation rules & Supreme Court judgement mentioned in para 5 above so as to concrete benefit derived in favour of the eligible SC & ST Officers

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II) The Hon'ble Tribunal may also direct the respondents No.1 to 3 to consider the applicant No.1 & 2 for the Promotion of Director (Geology) & Director ((Mech. Engineer) with retrospective effect in accordance with reservaton rules.

III) The respondents be further declared consequentially to carry forward the shortfall % of vacancies reserved for S/C & S/T Communities in each & every category/Class of Officers in Geological Survey of India.

IV) The respondents may be restrained to dereserve the posts earmarked for S/C & S/T in senior Time Scale within Group 'A' Service without following extant rules & instructions in this regard."

2. In view of the judgement of the Supreme Court in the National Federation of S.B.I. & Ors. Etc. vs. Union of India and Ors. (JT 1995 (3) SC 336, *it* is submitted by the learned counsel for the applicants that relief No.1 sought cannot be pressed. He, therefore, sought permission to file an application for amendment. Accordingly, MA-2764/95 has been filed in which the applicants request that para-8 of the OA may be substituted by para-8 as mentioned in the MA. The principal reliefs sought in the revised para-8 are as follows:

"(a) to modify the Annexure A-2 & A-3 of the OA and also to take immediate steps for providing adequate representation of SC & S/T officers in all higher grades of Geological Survey of India either by way of promotion or by direct recruitment to achieve the prescribed percentage of reserved posts as after the IInd Cadre Review, all the posts of Director (Geology)/Director (Mechanical) etc. are filled by promotion only and on account of successive cadre reviews no sch. castes and S/T Employees are available in the feeder cadere.

(b) The respondents be further directed to take care of the vested interest of the S/C & S/T Employees in the light of Government of India NO.AB/-14017/22/89-Estt (RR) dated 15.5.1989 in as much as the Review was causing prejudice to the S/C & S/T Employees and their accrued rights."

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3. When the matter came up for direction today, we heard the learned counsel for both the parties. When we expressed the view that it appears to us that what is being sought for is a direction to the respondents on policy matters, the learned counsel for the applicants sought permission to withdraw the OA as well as the MA, preserving liberty to agitate the matter as and when a grievance arises. This prayer is not opposed. In the circumstances, permission is granted. Accordingly, the OA and the MAs are dismissed, as withdrawn, on the above terms.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)

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N.V. Krishnan
23.1.96

(N.V. Krishnan)
Acting Chairman