

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 8TH DAY OF JANUARY, 2002

Original Application No.1490 of 2001

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER(A)

R.K.Meena,
Garrison Engineer(West)
Allahabad.

... Applicant

(By Adv: Shri Saurabh Srivastava)

Versus

1. Union of India through
Secretary Ministry of Defence
New Delhi.
2. The Engineer-in-Chief
Army Headquarters,
Kashmir House,
New Delhi.
3. The Chief Engineer
Lucknow Zone, Lucknow.

... Respondents

(By Adv: Shri P.D.Tripathi)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

By this OA u/s 19 of A.T.Act 1985 the applicant has challenged the order dated 16.6.2001 filed as (Annexure 1 to this OA) by which representation of the applicant has been rejected on the ground that reservation does not apply for promoting Executive Engineers to the grade of Superintending Engineers as per the existing rules. Learned counsel for the applicant has placed before us the O.M. dated 13.8.1997(Annexure 9) in which para 4 provides that:

"In pursuance of Article 16(4-A), it has been decided to continue the reservation in promotion, as at present, for the Scheduled Castes and the Scheduled Tribes in the

services/posts under the Government beyond 15.11.1997 till such time as the representation of each of the above two categories in each cadre reaches the percentages of the reservation whereafter, the reservation in promotion shall continue to maintain the representation to the extent of the prescribed percentages for the respective categories."

It appears that while deciding the representation of the applicant the attention of the respondents was not invited towards the O.M. dated 13.8.1997. In the circumstances, in our opinion, it is necessary that matter may be remitted back to the respondents for considering the claim of the applicant afresh in the light of the O.M. dated 13.8.1997.

The OA is accordingly disposed of finally with a direction to the respondent no.2, Engineer-in-Chief, Army Headquarters, Kashmir House, new Delhi to consider the representation of the applicant in the light of the O.M. dated 13.8.1997 and pass a reasoned order within a month or in any case before the next promotion from the post of Executive Engineer to the Superintending Engineer Ordinary Grade takes place. However, there will be no order as to costs.



MEMBER(A)



VICE CHAIRMAN

Dated: 8th January, 2002

Uv/