

A2

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Transfer Application No. 112 of 1987

(Writ petition no. 16905/84)

M.A. Siddiqui

... Petitioner

Vs.

Union of India & others

... Opp. Parties

Hon'ble D.K. Agrawal, JM,

Hon'ble K. Ohayya, AMJ U D G M E N T

(Delivered by Hon'ble D.K. Agrawal, JM)

Writ petition no. 16905 of 1984 filed before the High Court of Judicature at Allahabad on transfer to the Tribunal under the provisions of Section 29 of the Administrative Tribunals Act, 1985, was registered as Transfer Application No. 112 of 1987.

2. The prayer in the writ petition is to the effect that the respondents be directed not to make any further promotion / appointment of SC/ST candidates to the post of Superintendent, Assistant Superintendent, Head Clerk and Senior Clerk beyond the reservation quota of 15% and 7½% respectively. During the pendency of the writ petition the petitioner no. 1 was appointed as Superintendent w.e.f. 1-1-1984 and retired as such on 31-12-1989. Petitioner no. 2 was promoted as Assistant Superintendent w.e.f. 19-4-1985 and retired from service as such w.e.f. 30-9-1986. Petitioner no. 3, who was a Clerk, was promoted in the higher scale w.e.f. 25-10-1985. He was not within the field of eligibility for promotion as Assistant Superintendent. When the case was called on 8-1-1990, petitioners 1 and 3 did not appear. Petitioner no. 2, namely Siya Ram Verma only appeared. Petitioners 1 and 3 have not appeared today also. Petitioner no. 2 appeared in person today before us, but was not interested in the

DK Agrawal

A2
2

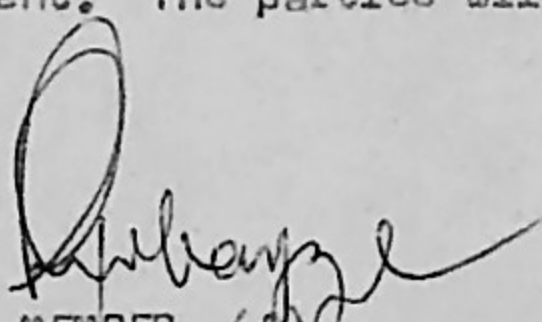
- 2 -

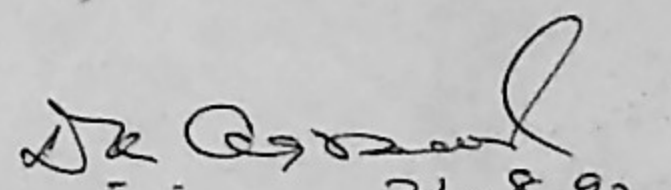
subject matter of the writ petition.

3. We have seen the original records and we are satisfied that there was no vacancy on 1-1-1984 for Siya Ram Verma to be promoted as Assistant Superintendent. Moreover, he has already retired on 30-9-1986. We do not consider that any relief is due to petitioner no. 2 as well.

4. We have been informed that two post of Assistant Superintendent, which are lying vacant, ^{have to be filled} after the decision of the Tribunal in the case of 'Abdul Hakim Vs. Union of India & others'. Therefore, we consider it proper to direct the respondents to consider the case of the petitioner no. 2 as well for promotion w.e.f. 1-1-1984, in case any person junior to the petitioner no. 2, or a candidate belonging to Scheduled Caste/Scheduled Tribe on the basis of reservation quota is to be accommodated on those two posts.

5. In the result, the petition is dismissed as infructuous in the light of the observations made above in the body of the judgment. The parties will bear their own costs.


MEMBER (A)


21.8.90
MEMBER (J)

Allahabad : Dated

August 21, 1990

ES/