

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration T.A. No.339 of 1987

(U.P. No.310 of 1979)

Adya Prasad Singh & Others Petitioners

Versus

Union of India & Others Respondents

Hon. Mr. D.K. Agrawal, J.M.

Hon. Mr. A.B. Gorthi, A.M.

(By Hon. Mr. D.K. Agrawal, J.M.)

The Writ Petition filed in the High Court of Judicature at Allahabad has been received on transfer to this Tribunal under Section 29 of the Administrative Tribunals Act, 1985 and was registered as T.A. No.339 of 1987.

2. Briefly, the facts are that the petitioners challenge the promotion of respondents 3 & 4 on the post of Senior Clerks and respondent No.5 on the post of Head Clerk on the ground that the post of Senior Clerks or the Head Clerk were non selection post and appointment of Scheduled Caste /Scheduled Tribe candidates on those posts was not in accordance with the Railway Board's circular dated 11.1.73. In the case of Akhil Bhartiya Shoshit Karmachari Sangh (Railways) Vs. Union of India and Others AIR 1981 SC 298 their Lordships have held that Railway Board's circular dated 11.1.73 covers promotion to non selection post as well and therefore if the promotions had been made to the extent of 50% of the vacancies by SC/ST candidates, there is no

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illegality. The respondents in instant case have urged in their Counter Affidavit that the post of Senior Clerks and Head Clerk were carried forward according to the roster point meant for SC/ST candidates. Since vacancies for SC/ST candidates were to be filled up according to the roster point, the respondents 3 & 4 on the post of Senior Clerks and respondent No.5 on the post of Head Clerk, were appointed to the said posts. It has not been shown to us that total number of candidates belonging to SC/ST candidates were ^{appointed} ~~made~~ to fill more than 50% of the total vacancies available on the date of the appointment of respondents 3 to 5. In the circumstances, we do not find any wrong committed by the respondents in appointing respondents 3 and 4 on the post of Senior Clerks or respondent No.5 on the post of Head Clerk. Consequently, this petition is liable to be dismissed.

3. The Writ Petition is dismissed without any order as to costs.

Jhansi
Member (A)

DK Agarwal
6. 8. 91
Member (J)

Dated the 6th Aug., 1991.

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