

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

(1) O.A.506/88

Ashok Kumar Kanodia

Applicant

versus

Union of India & others

Respondents.

(2) O.A.988/89

Ramesh Chandra & others

Applicants

versus

Union of India & others

Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.

Hon. Mr. A.B. Gorthi, Adm. Member.

(Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicants, who were members of Scheduled Caste community, had approached the Tribunal praying that the respondents be directed first to exhaust the list of selected candidates published on 15.9.87 duly approved by the competent authority and they may be directed not to appoint any Scheduled Caste and Scheduled Tribe candidate on the basis of notice dated 8.4.88. By means of a letter dated 5.11.86 the Chief Personnel Officer, Northern Railway issued letters for all the railways and in compliance of the same notices were issued by the Divisional Railway Manager calling upon all the candidates for appointment in class IV category and applications from casual labours were invited. The selection took place and the applicant's name found place in the panel but the applicants were not appointed.

As a matter of fact the casual labours working from before were regularised against the vacancies. According

(10) (A3/2)

to the applicants there were 353 posts for Scheduled Castes but no appointment against these vacancies was made. An assessment of vacancies was made. A representation against the said ~~xxx~~ non appointment was made but it also failed to give any good result. The applicants, thereafter, approached this Tribunal. The respondents have opposed the prayer made by the applicants and have stated that in view of the decision of the Supreme Court in Inderpal Yadav's case the applicants have stated that although the Govt. of India issued directions for filling up all the vacancies meant for Scheduled Caste and clear the backlog, even then the applicants were not appointed. The Railway Board issued circular laying down the policy for absorption of casual labours and the casual labours belonging to Scheduled Caste community were also absorbed and notwithstanding the directions which was given by the Railway Board selection was made:

The selection process started because of the circular of the Railway Board of 1986 referred to above and if any mistake was committed, the same was committed by the Railway Board for inviting such applications. The names of the applicants were included in the panel and they were to be appointed. The applicants should not have been thrown behind ~~either~~ in view of the directions issued issued by the Supreme Court, priority should be given to casual labours. The casual labours have been appointed and if vacancies are created in future, the applicants whose names found place in the panel will be given preference in the matter of appointment and their cases not to be ignored and applicants could have been appointed

accordingly. Although, it appears that no relief can be granted to the applicant but the respondents are directed to get the panel alive for appointing the members of S.C/S.T. as and when vacancies arise for them, meaning thereby that their case shall/equally be considered and they shall not be ignored. With these observations, the application stands disposed of.

Amrit Singh
Adm. Member.

W
Vice Chairman.

Allahabad Dated. 22.10.91

B.R.K.