

OPEN COURT (5)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
ADDITIONAL BENCH AT ALLAHABAD

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Allahabad : Dated this 8th February, 1996

Original Application No. 1092 of 1989

District : Agra

CORAM:-

Hon'ble Mr. S. Das Gupta, A.M.

Hon'ble Mr. T.L. Varma, J.M.

Raghubar Dayal S/o Sri Khacher Singh

R/o 175, Bisalpur Ka Nagla, Naripura,

Post-Dhanauli Distt-Agra posted in P.F.Wingh of
Aerial Delivery Research & Development

Establishment, Agra.

(By Sri Satish Dwivedi, Advocate) Applicant

Versus

1. Union of India through The Secretary
Ministry of Defence, Govt. of India,
New Delhi.

2. The Director General and Scientific Advisor,
Defence Research & Development, Headquarters,
South Block, New Delhi.

3. The Director, Aerial Delivery Research and
Development Establishment, Agra Cantt,
Agra-282001.

(By Sri Amit Sthalekar, Advocate) . . . Respondents
. Respondents

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O R D E R (O_r_a_l_)

By Hon'ble Mr. S. Das Gupta, A.M.

The applicant in this case was appointed on 21-12-1968 on the post of Moulder in Aerial Delivery Research and Development Establishment, Agra. He qualified in the trades test for Moulder in 1961 and also qualified in the training of Craft Instructors in the trade of Moulder in 1965. Thereafter the post of Moulder was converted into the post electroplater and he continued on that post. It is stated that one Sri Kali Charan who was a member of the SC community was promoted from Tradesman 'B' to Tradesman 'A' and thus the post of Tradesman 'B' fell vacant. The applicant was the second seniormost candidate among the SC employees, who were eligible for promotion to Tradesman 'B'. It is alleged that instead of calling the seniormost SC candidates and the applicant for the selection test for the aforesaid vacancy, the respondents filled up this vacancy by a general candidate. The applicant's case is that the post having been vacated by Sri Kali Charan, who belonged to the SC community, vacancy should have been filled up by candidates only of SC community and not by the general candidates. Having failed to obtain redressal after filing several representations, he has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 seeking relief of quashing of the order by which the post vacated by Sri Kali Charan was filled by a ~~General category~~ ^{reserved} candidate.

2. In the counter affidavit filed by the respondents it has been clarified that the post which was vacated by Sri Kali Charan fell at Point No.11 of the 40% roster being maintained by the department in accordance with the Ministry of Home Affairs O.M. dated 22-4-1970 which

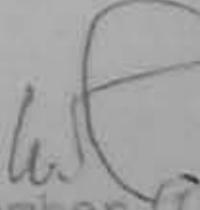
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deals with the reservation of promotional post for SC/ST candidates. It has been further stated that in addition to this, one more vacancy was occurred which fell at Point No.12. Both these points fall in the unreserved quota in the 40 point roster and therefore these points have been filled by promoting general candidates. They have annexed a copy of the Annexure to the Ministry of Home Affairs O.M. dated 22-4-1970 indicating the model roster. It appears therefrom that Point Nos. 11 and 12 are unreserved. The respondents have also annexed the extract from the roster maintained by the department from which is seen that Point No.4 which falls only reserved quota for ST was actually filled by a general candidate but this backlog was made up by filling the unreserved Point No.10 by a ST candidate. Similarly the Point No.8 which was ~~for~~ reserved for the SC candidates was actually filled by a general candidate but this backlog was made up by filling unreserved Point No.9 by SC candidates. We are thus satisfied that Point No.11 was ~~not~~ ^{under} backlog vacancy of either SC or ST to be filled and, therefore, it was correctly filled by the General candidate. The applicant has not filed any rejoinder affidavit to controvert the averments of the respondents. Moreover, when the case was called out, none appeared for the applicant, his Counsel having sent an illness slip. As the case has been adjourned many a time, on the request of the learned counsel for the applicant we proceeded to hear the learned counsel for the respondents and also perused the record carefully.

3. In view of the foregoing, we find no merits in this application and the same is dismissed accordingly. There shall, however, be no orders as to costs.


Member (I)


Member (A)

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