

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated:- Allahabad this the 18th Day of July, 2000.

CORAM:- Hon'ble Mr. Rafiq-Uddin, J.M.

Hon'ble Mr. M.P. Singh, A.M.

Original Application No. 289 of 1992

Ram Chandra Kureel

S/o Sri Shobha Ram

R/o 113/314, Swaroop Nagar,

Kanpur.

... Applicant

Counsel for the applicant = Sri A.N. Tiwari

VERSUS

1. The Union of India,
through Secretary Ministry of Commerce
(Department of Supply),
New Delhi.

2. Director of Supplies and Disposals,
Kanpur, 7/29-8, Tilak Nagar, Kanpur.

3. Directorate General of Supplies and Disposals
Parliament Street,
New Delhi.

... Respondents

Counsel for the respondents = Mr. Sadhna Srivastava

ORDER

(By Hon'ble Mr. Rafiq-Uddin, J.M.)

The applicant, sought the quashing of orders dated 19.5.1991 and 14.1.1992 (containing election 1 and 2 to this O.A.) by the said order dated 19.12.1991, The applicant has been reverted to the post of UDC from the post of Superintendent and by the said order dated 14.1.1992 as a consequence of his reversion his pay has been re-fixed in the lower scale.

R.M.

2. The brief facts of the case are that the post of Superintendent in the office of the Director General and supply and disposal is a ^{is made from} Group 'C' post and promotion to this post of UDCS ~~is~~ having 7 years of service in the grade. The vacancy to this post arose on 1.3.1979 consequently one U.S. Rawat, UDC was promoted as Superintendent with effect from 26.3.1979. On re-examination, however, it was found that the vacancy should have been filled up as a reserve vacancy and accordingly the promotion order of U.S. Rawat was cancelled and the applicant who belongs to Schedule Castes Community, was promoted with effect from 28.3.1981. Aggrieved by the order of reversion U.S. Rawat filed writ petition in Allahabad High Court and obtained stay order. On 13.3.1981 against the reversion order. The applicant also filed a writ petition in the High Court and obtained stay order ^Q not to revert him on the post of Superintendent. ~~However~~, when the matter was brought to the notice of the High Court, the High Court vacated the stay order ~~and~~ granted in favour of the applicant. The writ petition filed by U.S. Rawat was ultimately decided by this ^{order} Tribunal as TA No. 25/88 and the reversion of US Rawat was quashed. It was also held by this Tribunal that there can be no reservation for SC and ST in the case of single post. As a result, the vacancy in question was not available to the candidate of the reserved ^{Category} order dated 31.5.1993. In the meantime, U.S. Rawat had been promoted on 17.8.1984 as an Assistant Director Grade 2 during the pendency of the T.A. and applicant was also ~~notice~~ ^{promoted} as Superintendent on Adhoc-basis with effect from 17.8.1984 treating the vacancy as reserved vacancy. However, in view of the order of this Tribunal dated 31.5.1991 in U.S. Rawat case the applicant was again reverted from the post of Superintendent with effect from 19.12.1991 treating vacancy unreserved.

Ru

3. The applicant, however, claims that his promotion to the post of Superintendent was made on the basis of seniority and not as a reserved vacancy. The basis of his claim is alleged seniority list which has been annexed as Annexure 3 to the petition.

R
4. ~~However~~, The case of the respondent is that Annexure-3 is not a seniority list but the same is order regarding confirmation of different categories in different post from different dates. The vacancy ~~that~~ the post of Superintendent Regional Office of Directorate are to be filled on local basis for among UDCs and PRDs and being a single post the same is not available to the applicant being candidate of reserved category.

5. We have heard the learned counsel for the respondent and perused the record.

6. It is evident from the facts of the case that the promotion of the applicant to the post of Superintendent on the basis of reservation ~~has~~ has been finally decided by this Tribunal vide order dated 31.5.1991 passed in T.A. No. 25/88. Now the only question is whether the applicant is eligible and deserves to be promoted to the post of Superintendent as a general candidate being senior most UDC. This fact is however denied by the respondents that the applicant is senior most UDC. The applicant has also been transferred as UDC with effect from 19.12.1991 from the department ~~with effect from 24.7.1992~~ *Ry* ~~promotion~~ and as such he has no right to claim. The only document to prove that the applicant is senior most, is Annexure-3 of the D.A. However, we find that this document is not seniority list and it merely indicates that the applicant was working as Ad-hoc Superintendent was regularised on that post. He was, however,

later on reverted as UDC and his promotion to the post of Superintendent was not found valid by this Tribunal in the T.A. mentioned above because his promotion was on the basis of reservation. Therefore, in the absence any other document to prove that the applicant was senior most UDC ^{his} ~~as claimed~~ for promotion as general candidate to the post of Superintendent ~~is not established~~ ~~also not a duty~~. Consequently ~~to dismiss~~ the D.A. is dismissed.

7. No order as to cost.

MR
Member (A)

Rafiqul Haq
Member (J)

/T. Joshi/