

Open Court.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

...

Original Application No. 1439 of 1994

this the 30th day of April 2002.

HON'BLE MR. S. DAYAL, MEMBER(A)

HON'BLE MR. RAFIQ UDDIN, MEMBER(J)

Mukandi Lal, S/o Sri Govind Ram, Head Clerk, N.E.R.,
DRM (Engg.) R/o, 165-A Office Colony, Izzatnagar,
Bareilly.

Applicant.

By Advocate : Sri R.D. Agrawal.

Versus.

1. Union of India through the Divisional Railway
Manager, N.E.R., Izzatnagar, Bareilly.
2. D.R.M. (Personnel), N.E.R., Izzatnagar,
Bareilly.
3. Senior Divisional Engineer I/NER, Izzatnagar,
Bareilly.
4. Sri P.S. Sapra, Office Supdt. Gr.II, N.E.R.,
PWI, Piliphit.
5. Sri Anand Behari, O.S. Gr.II, DRM (E), N.E.R.
Izzatnagar, Bareilly.
6. Sri R.R. Agarwal, O.S. Gr.II DRM (E), N.E.R.
Izzatnagar, Bareilly.
7. Sri Ramesh Chand Pal, O.S. Gr.II N.E.R. A.E.N.
office, Izzatnagar, Bareilly.

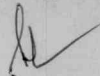
Respondents.

By Advocate : Sri V.K. Goel.

O R D E R (ORAL)

HON'BLE MR. S. DAYAL, MEMBER(A)

This application has been filed for setting aside
the proceedings of promotion to the post of O.S. Gr.II
on the ground that no quota of SC/ST has been provided.




The applicant seeks directions to the respondents to promote him against the reservation quota.


2. The case of the applicant is that he was promoted as Head Clerk in the grade of Rs. 1400-2300/- on 12.7.91. It is claimed that although there were 14 posts of O.S. Gr.II in Engineering Branch under Izatnagar Division, ^{only} 12 posts for general category were sought to be filled-up by notification and no posts were earmarked for SC/ST candidates. The applicant claims to have represented on 16.2.94 against the notification dated 10.2.94. A written test was held in which four candidates belonging to general category ^{qualified} ~~called for~~ and thereafter a viva voce test was held in which the same four persons were empanelled. The applicant has claimed that he had ^{been} ~~also~~ called for ~~in~~ the written examination and had secured more marks than the respondent nos. 4 to 7, but he was not called for ~~in~~ the interview. The main ground on which this O.A. has been filed appears to be that if any quota for SC/ST had been prescribed, the applicant would have got selected against that quota.

3. The respondents in their Counter affidavit have denied the claim of the applicant that he had secured more marks than the respondent nos. 4 to 7. They have categorically stated that the applicant failed to qualify in the written examination and could not obtain even the minimum marks to qualify the written test. It is also stated that the reservation for SC/ST in the cadre of O.S. Gr.II was already full.

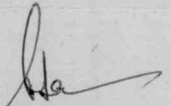
4. We find that there is no material to support the claim of the applicant that he secured more marks than the respondent nos. 4 to 7. We find from the persons who were called for in the written examination



for selection to the post of O.S. Gr.II that out of 32 persons, who were called for, the officials mentioned at sl. no. 4, 10 and 14 belong to SC, while the applicant was placed at sl. no. 18 in the list of those called-for in the written examination. Therefore, the claim of the applicant that he would have got selected, if reservation has been provided, is also not borne-out from the facts on record. We, therefore, find no reason to interfere with the selection held for the post of O.S. Gr.II in the year 1994. The O.A. is dismissed. There shall be no order as to costs.



MEMBER (J)



MEMBER (A)

GIRISH/-