

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Original Application No. 1252 of 1994

Keshav Nath Kool Applicant

Versus

Union Of India and Others Respondents

Hon'ble Mr. T.L.Verma, Member-J.

Hon'ble Mr. S.Dayal, Member-A.

(By Hon'ble Mr. S.Dayal, Member-A)

1. This case came up today for admission. Shri A.K. Sinha, counsel for the applicant, presses for admission on the ground that panel for promotion by selection to the grade of 1600-2660 for post of Asstt. Supdt. was made and a provisional panel was drawn up. It was mentioned in the same order (Annexure A-4) dated 9.12.1993 that two more persons have also been included in the panel against reserved posts of Scheduled Tribes and their names will be declared after de-reservation of the post by the competent authority. Thereafter, it was decided to hold a fresh selection for filling up the posts in the scale of 1600-2660 vide Annexure No.A-1 dated 5.8.1994.

2. It was brought to our notice that the provisions given in Brochure on reservation for Scheduled Castes and Scheduled Tribes on de-reservation (Para 10.1 of the Brochure) read as follows:-


" A vacancy reserved for Scheduled Castes or Scheduled Tribes may be filled up by a general candidate in case of non-availability of suitable Scheduled Castes or Scheduled Tribes candidates by dereserving it in accordance with the prescribed procedure."

It was urged that though the word used in the paragraph is "May" , it has the meaning of "shall".


3. It has also been stated by the legal representative for the applicant that the panel has got exhausted and proceedings for preparation of next panel by process of selection have started.

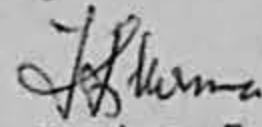
4. After hearing the learned counsel for the applicant and perusing the application, we are of the opinion that the learned counsel has not been able to establish that a right accrues to the applicant to obtain the relief of getting the impugned notice dated- 5.8.1994 quashed, issuance of the direction to the respondents to get the two posts of S.T.dereserved and promote the applicant against one of them and also for payment of interest on arrears. It is clear from the fact of preparation of the new panel that the vacancies for Scheduled Tribes have not been dereserved. It is not obligatory on the part of the Govt. Of India to dereserve the vacancies earmarked for Scheduled Tribes.

5. The legal representative of the applicant has contended that ad hoc promotion has been given to the applicant with effect from 19.7.94 ,which shows the meritorious performance of the applicant and proves that the applicant would have been in the panel if the extra two names were declared after dereservation of the posts. This argument has no merit as the bases for giving ad hoc promotion and for promotion by selection are different. The applicant will get any right only when the process of dereservation is completed and the two names declared include the name of the applicant.



6. We, therefore, reject the application at the admission stage.


Member-A


Member-J

Dated: 14 Sept., 1994: Allahabad.

(S.M.)