

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 16th day of January 2-002.

QUORUM : HON. MR. S. DAYAL, A.M.

HON. MR. RAFIQUDDIN, J.M.

O.A. No.741 of 1995.

1. Sri Babu Ram s/o Sri Bharat Singh r/o 177/5, D.L. Road, Dehra Dun and at present working as Geodetic Computer in No.71 Party (G & AB), Survey of India, Dehra Dun.
 2. Sri M.L. Mandal s/o Sri Ajab Lal Mandal r/o 270-A, Chukhuwala, Dehra Dun and at present working as Surveyor in D.M.C., Survey of India, 17, E.C. Road, Dehra Dun.
- Applicants.

Counsel for applicant : Sri A.K. Gaur.

Versus

1. The Union of India represented through the Secretary to the Govt. of India, Ministry of Science & Technology, Technology Bhawan, New Mehrauli Road, New Delhi.
 2. **The Surveyor General of India, Survey of India, Hathi-barkala, Dehra Dun.....**
- Respondents.

Counsel for respondents : Sri R.C. Joshi.

ORDER (ORAL)

BY HON. MR. S. DAYAL, A.M.

This application has been filed for direction to the respondents to appoint the two applicants to the post of Officer Surveyor against the vacancy reserved for S.C. on the basis of test held at 22 and 23 Dec.1993 and oral interview held later with the retrospective effect and all consequential benefits. A direction has also been sought to the respondents to set aside their action in de-reserving the vacancy meant for SC/ST candidates.

2. The applicants have claimed that they were eligible S.C. candidates for Limited Departmental Competitive Examination in Survey of India which was notified by letter dated 13.5.93. It is claimed by the applicants that
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earlier in 1991, there were 11 vacancies for S.C., 8 for ST and 16 for unreserved candidates. The vacancies for unreserved candidates were filled up but posts reserved for SC/ST candidates could not be filled up. It is claimed that un-filled vacancies were not even carried forward to the next recruitment year. It is claimed that again in 1992 vacancies to be filled in the grade of officer Surveyor by SC ^{were} 10, ST 7 and 9 for un-reserved category. The respondents appointed 15 candidates of un-reserved category to the post of Officer Surveyor thereby utilising 6 post reserved for SC/ST candidates. Two SC candidates had succeeded in written examination and had been called for interview but were not selected. Thus, the respondents had obtained de-reservation of reserved posts. The applicants appeared at LDC examination of the year 1993 and qualified in the written test and were called for interview. 5 candidates ^{had} ~~were~~ qualified in the written out of SC and 3 out of ST. 2 candidates belonging to SC and 2 ST have been given appointment to the post of Officer Surveyor. It is claimed that in the written test, the applicant No.1 was at Sl.No.2 and applicant No.2 was at Sl.No.5. It is claimed that ~~the number of vacancies reserved for SC/ST~~ ^{for which} number of vacancies reserved for SC/ST for which tests have been conducted, were not disclosed. The estimation of the applicants was that ^{reserved} the number of vacancies for SC candidates were more than the number of vacancies qualified in the written test. It is claimed that three candidates of SC and one of ST candidates were left out because of illegal dereservation ^{of posts} meant for SC/ST candidates. The applicants have also claimed that respondents committed another illegality in appointing 6 candidates of the panel of 1992 in Jan.1995.

3. We have heard the counsels for the parties.

4. ^W We find that Sri M.L. Mandal in his rejoinder

affidavit dated 13.5.97 has stated that applicant No.1 ^{Babu} na-mely Sri-Ram was given the post of Officer Surveyor based on LDC exam of 1993. Thus, the claim of the applicant No.1 as has been made in the O.A. has become infructuous as far as he is concerned. The order of his promotion ~~is~~ contained in RA 2 ^{annexed 1} to the rejoinder of Shri M.L. Mandal, applicant No.2, and the name of the applicant No.1 appears at Al.No.11 of the Annexure.

5. As far as applicant No.2 is concerned, the respondents have stated in their supplementary C.A. dated 5.8.97 that a combined merit list had been prepared to desired regularisation of SC/ST candidates. Since there were three candidates in the merit list above the applicant and there were two vacancies for promotion, hence the applicant No.2 could not be considered against this post for other appointment as officer surveyor. The respondents have mentioned that in pursuance of order in O.A.1378/93 dated 10.2.94 of Cuttack Bench and in OA 666/93, 13 vacancies were dereserved and general candidates were appointed from 1992 panel. The respondents have claimed that in the selection held in 1993, there were 9 posts of general category, 2 posts of SC and 2 posts of SC which were to be filled up. These vacancies were not given in the circular letter because of the vacancies position had to be worked out pursuant to the direction of Calcutta and Cuttack Benches. They have mentioned that since the applicant No.2 even by ^{relaxed 1} ~~relaxed 1~~ standard was below ¹ the 2 SC ca-ndidates, who were appointed on the post of 1993 examination, he could not be offered appointment to the post of officer surveyor. The applicant No.2 has not categorically denied that the vacancies inacted by the respondents for 1993 selection were wrong. He has merely stated that there should have been adequate vacancies

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for reserved category candidates even in the year 1993 and that the applicant No.2 could have been accommodated.

Since it has not been established that the vacancies existed for SC candidate to accommodate the applicant No.2 in 1993, the O.A. fails and is dismissed.

There shall be no order as to costs.

Rangwala
J.M.

Haye
A.M.

Asthana/

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