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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 154 of 1988 198
Case No.

DATE OF DECISION 15-03-1988

H.P. Shah & Ors.

Petitioner

J.J. Yagnik

Advocate for the Petitioner(s)

Versus

Union of India & Ors.

Respondent

J.D. Ajmera

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. P.H. TRIVEDI : VICE CHAIRMAN

The Hon'ble Mr. P.M. JOSHI : JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal.

CORAM : HON'BLE MR. P.H. TRIVEDI : VICE CHAIRMAN
HON'BLE MR. P.M. JOSHI : JUDICIAL MEMBER

15-03-1988

O R A L - O R D E R

Per : Hon'ble Mr. P.H. Trivedi : Vice Chairman.

Heard Mr. J.J. Yagnik and Mr. J.D. Ajmera learned advocates for the applicant and the respondents respectively. Mr. Ajmera wanted one day's time for filing his objections to admission and to interim relief sought. Mr. Yagnik stated that the interim relief should be allowed to him until the date on which Mr. Ajmera's objections can be heard. We find that a notice having already been issued against the respondents dated 29-2-1988, the question of admission and interim relief should be disposed of on the day fixed for hearing on admission instead of allowing any more time to the respondents. In this regard we, therefore, have ~~heard~~ the learned advocates.

Mr. Yagnik has stated that the cause issue in this has been dealt with in the judgment in TA/419/86 dated 28-01-1988 and basing themselves upon the Supreme Court's orders (at page 49) of the Civil Miscellaneous Petition No. 26627 of 1984, the petitioner desires in this case that until the disposal of that case in the Supreme Court on this subject the respondents should be directed in terms that the "promotions which may be made hereafter will be strictly in accordance with the judgment of the High Court(Allahabad) and such promotions will be subject to the result of the appeal. If any promotions have been calculated according to the eligibility in terms of posts, how individual petitioners would have fared vis-a-vis some of the others as mentioned by him in paragraphs 1.1 to 1.4 of the petition". The petitioner therefore has

sought relief in terms of the directions sought in para (VI) of his petition so that representations of the Scheduled Caste and Scheduled Tribes candidates in excess of the quota of 15% for SC and 7½% for ST in each cadre is not allowed and is adjusted. The petitioner also states that if the respondent authorities act upon the observations made in the judgment of this Tribunal in TA/419/86 dated 28-1-1988 and in compliance with the directions of the Supreme Court as stated above he would have no grievance. The petitioner has referred to the circular at Annexure A-7, laying down the reservation for Scheduled Caste and Tribes in posts filled by promotion. On behalf of the respondent Mr. Ajmera has stated that the petitioners have not made out that any individual applicant is aggrieved or that there is any circular or order on the respondents issued which has given rise to any cause or that persons have been promoted against whom relief is sought or the necessary parties have been joined as such. The petition therefore merely asks for re-statement of the law without making out any grievance and as such is not maintainable. Besides, in the judgment of this Tribunal referred to, a distinction has been made between the case in which Supreme Courts' decision referred to has been made and stated that there is no automatic applicability of the Supreme Courts' judgment in matters of interim relief of this nature.

After hearing the learned advocates we find that the issues in this case have been dealt with in TA/419/86 dated 28-1-1988 in which after examining the merits, the petition was found to have no merit and was declared as failed. We have dealt with the applicability of the Supreme Courts' order referred to in that case and distinguished the applicability in that case ~~and~~ from the applicability of the judgment of the Supreme Court in the cases before it. The

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The same position obtains so far as this petition is concerned. Besides, in this petition there is no individual government servant who has any grievance arising out of any circular or decision of the respondent authorities. As there is no officer who has been favoured by any order of promotion to the detriment of the petitioners, no cause attaching upon promotion or any other relevant service condition of the petitioners has been made out. The petitioner agitates only the position obtaining in each category regarding the representation of the Scheduled Castes or Tribes being in confirmity or otherwise of the quotas laid down. We do not find that the petition therefore discloses any cause about which the relief can be given by the Tribunal. We must state, however, that so far as the general grievance of excessive representation of Scheduled Caste and Tribes are concerned, the respondent authorities already have before them our observations in the judgment No. TA/249/86 and the Supreme Court's orders referred to herein-before. Therefore, in any action that the respondents may propose to take regarding future promotions such observations and orders of the Supreme Court insofar as applicable will guide the respondents.

With these observations we dismiss the petition.


(P.H. TRIVEDI)
VICE CHAIRMAN


(P.M. JOSHI)
JUDICIAL MEMBER

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