

4

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No.288 of 1989.

Date of decision : September 11, 1990.

Tabuli Behera ... Applicant.

Versus

Union of India and others ... Respondents.

For the applicant ... Mr.G.A.R.Dora,
Advocate.

For the respondents ... Mr.L.Mohapatra,
Standing Counsel (Railways)

C O R A M:

THE HONOURABLE MR.B.R.PATEL, VICE-CHAIRMAN

A N D

THE HONOURABLE MR.N.SENGUPTA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the Reporters or not ? No
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

J U D G M E N T

B.R.PATEL, VICE-CHAIRMAN, The facts, briefly stated, are that an advertisement was issued in the local newspapers inviting applications for filling up of 50 vacancies of Skilled Artisans in Carriage Repair Workshop, Mancheswar. The applicant who satisfied the conditions of eligibility for applying for the post applied. He was called to a test. He took the test and succeeded in that. He was eventually selected to undergo training in Welder for a

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period of six months vide letter dated 14.3.1988 issued by the office of the Chief Workshop Manager(Annexure-A/2. Though this order was issued in 1988 he has not yet been given appointment and sent to the training for which he has filed this application with the prayer that a direction be issued to the respondents to implement the order in Annexure-A/2.

2. In their counter affidavit the respondents have taken the stand that the Office of the Chief Workshop Manager, Carriage Repair Workshop ,Mancheswar, Bhubaneswar-5 has not issued any order like the one, copy of which is at Annexure-A/2 to the applicant. They have further averred that the place of the applicant in the panel does not make him eligible for the appointment.

3. We have heard Mr.G.A.R.Dora, learned counsel for the applicant and Mr.L.Mohapatra, learned Standing Counsel(Railways) for the respondents and perused the papers. Mr.Dora maintains that Annexure-A/2 is a genuine document issued by the Office of the Chief Workshop Manager. He has furtherstated that the applicant is a member of the Scheduled Castes and is entitled to the appointment since his name occurs inthe panel. He has further pleaded that in case he cannot be accommodated as a Scheduled Caste candidate, he should be given an appointment in case any vacancy reserved for the Scheduled Tribe isavailable. Mr.L.Mohapatra drew our attention to Annexure- R/1 to the counter affidavit particularly to the merit list attached to

9

Annexure-R/1. We have found the name of the applicant occurring at Serial No.93 of the merit list. Upto this serial number there are 9 scheduled Caste candidates in the panel. According to the reservation of posts i.e. 15 per cent of the candidates, 8 S.C.candidates could be accommodated. The applicant is automatically excluded. There are scheduled Tribes candidates in the panel. He cannot, therefore, claim any post on account of he being a member of the Scheduled Caste and as such the application merits no consideration which stands dismissed. However, if any of the 8 candidates who would not be appointed or would not accept the job offered, the case of the applicant should be considered because he has gone through the selection process. No costs.

[Signature]

 Member (Judicial)



[Signature]

 Vice-Chairman

Central Administrative Tribunal,
 Cuttack Bench, Cuttack.
 September 11, 1990/Sarang.