

2. Shri Rajesh Joshi, learned counsel for the applicant contended that the post of Weldor Grade-I in the instant case belonged to a "Roster Point" meant for a S.T. candidate and the applicant being at serial No. 1 amongst eligible S.T. employees had a legal claim for that post.

Heard learned counsel for both the parties.

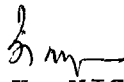
3. Following the complaint aforesaid, the respondents ordered an enquiry as per orders of this Tribunal dated 27.4.1994 in O.A. 107/93, Kishore Singh & Ors. vs. Union Of India & Ors. The respondents, accordingly, have completed the enquiry and the report thereon, as was shown to us in the communication of the respondents dated 20.2.96, indicate that the applicant's claim of belonging to "Scheduled Tribe" category has since been established in his favour. Based on the results of the enquiry, the respondents have since issued an order dated 3.10.96 promoting the applicant herein as Weldor grade-I in the grade of Rs. 1320-2040 with effect from 1.10.96. The applicant, however, claims that since he was due for promotion from 10.4.95, he may be considered for regularisation of the aforesaid promotion with effect from 10.4.95, i.e., the date when his juniors were promoted.

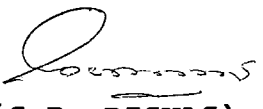
4. We find that the claim of the applicant's promotion is against the roster point belonging to the STs candidate. It is also seen that respondents No. 3 and 4, Shanker Lal and Jagdish respectively, the candidates belonging to S.C. community, were promoted only on adhoc basis vide order dated 10.4.95 (A/1). Admittedly, the roster point for the post of Weldor Grade-I under respondent No. 2 belonged to S.T. candidate and hence any claim of the respondents No. 3 and 4 to continue in the same post would not survive. Since the promotions of S/Shri Shanker Lal and Jagdish (respondents No. 3 and 4) were hedged with the condition that in case the complaint/enquiry goes in favour of the applicant Kuldeep Kumar, retention of the respondents No. 3 and 4, promoted on temporary basis, would be reconsidered. Actions in this respect shall be taken as per rules laid down.

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5. Learned counsel for the respondents showed us the order dated 3.10.96 promoting the applicant in the grade of Skilled Weldor Grade-I. He also conceded that applicant's claim to regularise his promotion from 10.4.95 could be considered as per rules.

6. In view of the circumstances aforementioned, the application succeeds on merits and is accordingly allowed. Annexure A/1 dated 10.4.95 is quashed and set aside. There shall be no order as to costs.


(A.K. MISRA)
Member (J)


(S.P. BISWAS)
Member (A)

cvr.

