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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

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Date of order : 24.8.2000

O.A.NO. 253/1997

1. Virendra Verma S/o Shri Balveer Singh aged 44 years R/o 3/13 Anubhagya Colony, Bhabhanagar, Chittorgarh.
2. A.K.Sharma S/o Shri Shyam Sunder aged 38 years, R/o 15/88 Heavy Water Plant Colony, Bhabhanagar, District Chittorgarh.
3. Govind Singh S/o Shri Roopa Ram aged 45 years R/o 14/81 Heavy Water Plant Colony, Bhabhanagar.
4. R.P.Chaturvedy S/o Shri Phool Chand aged 39 years, R/o Heavy Water Plant Colony, Bhabhanagar.
5. B.R.Maratha S/o Shri Magan Ram aged 39 years 13/76, Heavy Water Plant Colony, Bhabhanagar.
All Fireman 'B' Heavy Water Plant (Kota), Bhabhanagar, Chhitorgarh.
6. P.K.Bishomi S/o Shri Sukhnandan Prasad aged 37 years, R.M. 'B', R/o 7/39, Heavy Water Plant Colony, Bhabhanagar.
7. G.P.Joshi S/o Shri Ravi Prakash aged 37 years, R/o Heavy Water Plant Colony, Bhabhanagar,
Both Fireman B-1, Heavy Water Plant (Kota), Bhabhanagar, Chittorgarh.

.....Applicants.

VERSUS

1. Union of India through the Secretary to the Government, Department of Atomic Energy, Anushakti Bhawan, Maharaja Chatrapati Shivaji Maharaj Marg, Mumbai.
2. General Manager, Heavy Water Plant (Kota), Anushakti District Chittorgarh.
3. Administrative Officer, Heavy Water Plant (Kota), Anushakti District Chittorgarh.

.....Respondents.

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CORAM :

HON'BLE MR.JUSTICE B.S.RAIKOTE, VICE CHAIRMAN

HON'BLE MR.GOPAL SINGH, ADMINISTRATIVE MEMBER

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P. M.

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2.

Mr. Vijay Mehta, Counsel for the applicants.

Mr. Vineet Mathur, Counsel for the respondents.

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PER HON'BLE MR. JUSTICE B.S. RAIKOTE, VICE CHAIRMAN :

This application is filed under Section 19 of the Administrative Tribunals Act, 1985, challenging the notification dated 17.5.97 vide Annexure A/1, by which the applications were called for the post of Leading Fireman 'A' in the scale of Rs. 1200-1800, stating that the post is reserved for SC community. The contention of the applicant is that this post is meant for general category as per reservation roster and the same could not have been reserved for SC community. It is his further contention that the post being a single post, cannot be reserved for SC in view of the law laid down in Dr. Chandrakar Paswan Vs. State of Bihar & Ors. reported in 1988 (2) SCC 214. Therefore, the applicant prays for quashing of Annexure A/1 with a further direction to the respondents to fill-up the post from amongst the eligible candidates belonging to general category.

2. The respondents have denied the case of the applicants. In paragraph 4 of the reply, they have stated as under :-

"As such, the impugned circular dated 16/17.5.97 was issued for filling up the vacant post of Leading Fireman 'A' in HWP (K) from amongst the eligible candidates of various DAE units. The post was reserved for a 'SC' candidate. However, as per the post based roster, the vacancy is likely to go to UR (unreserved) category."

3. From the above statement made by the respondents, we feel that the post of Leading Fireman 'A' in HWK is to be filled-up from amongst the eligible candidates of various DAE units and the vacancy is likely to go to unreserved category. From this fact, it follows that the respondents are not intending to proceed with the selection on the basis of Annexure A/1. If that is so, the cause of the applicant does not survive. In this view of the matter, we pass the

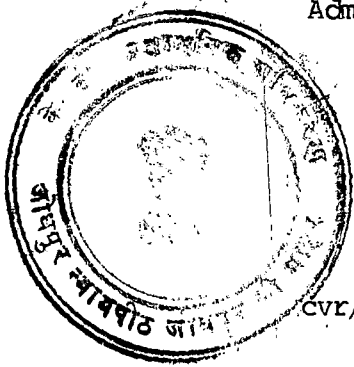
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order as under :-

4. The O.A. is disposed of as having become infructuous. However, the respondents are directed to determine the nature of post to be filled-in, in accordance with law and they may fill-up the post accordingly. In case, the applicants are aggrieved of the action taken by the respondents, they will be at liberty to file a fresh O.A. No costs.

Gopal Singh
(GOPAL SINGH)
Adm. Member

B.S. Raikote
(B.S. RAIKOTE)
Vice Chairman



cvr/m.

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12/11/1958
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CA
K.S. Gill
for V.K. Mathur
6-9-2000

R Gopal
V. K. Mathur
7/9

Part II and III destroyed
in my presence on 9-2-07
under the supervision of
section officer as per
order dated 20/11/06

VGN
Section officer (General)