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CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR.

Date of Order : // - 07 - 2001

Original Application No. 380/1999.

Vijay Singh, S/o Shri Mod Singh, by caste Chouhan (Rajput), aged about 38 years, resident of at present working as Head Clerk in Works Section (Tool Shop) Workshop, Northern Railway, Bikaner- R/o, Naya sahar-Bikaner.

APPLICANT..

VERSUS

1. The Union of India, through General Manager, Northern Railway, Baroda House, Headquarter Building, NEW DELHI.
2. The Director, Department of Personnel and Training, Ministry of Pensions and Public Grievance, North Block, NEW DELHI.
3. The Chairman, Railway Board, Rail Bhawan, NEW DELHI.
4. The Divisional Railway Manager, Northern Railway, DRM's Office, Bikaner.
5. The Deputy Chief Mechanical Engineer, Workshop, Northern Railway, Bikaner.
6. The Assistant Personnel Officer, Workshop, Northern Railway, Bikaner.

RESPONDENTS .

Mr. S. N. Trivedi, counsel for the Applicant.
Mr. S. S. Vyas, counsel for the Respondents.

CORAM

Hon'ble Mr. Justice B. S. Raikote, Vice Chairman.
Hon'ble Mr. Gopal Singh, Administrative Member.

ORDER

(per Hon'ble Mr. Gopal Singh)

In this Application under Section 19 of the Administrative Tribunals Act, 1985, applicant Vijay Singh has prayed for quashing the impugned letter dated 10.12.1998 (Annexure A-1), clarifying that the notified post has been reserved for

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Schedule Caste category under P.S. No. 11450/1997. The applicant has further prayed that department of Personnel and Training Policy Decision dated 02.07.1997 (Annexure A-2) and Railway Board circular dated 21.08.1997 (Annexure A-3) may also be declared unconstitutional and quashed. In this Policy Decision/Circular, the DOPT and ~~XXXXXX~~ Railway Board have prescribed 'L' Shape Roster reservation table for cadres of less than 14 posts, respectively.

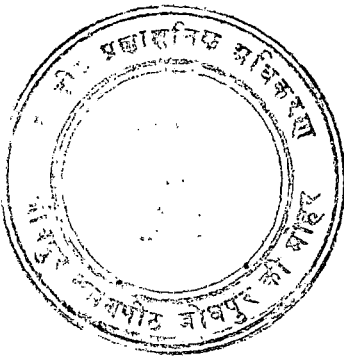
2. The applicant's case is that he had appeared in the selection for the post of Office Superintendent and was empanelled and placed at Sl. No. 4 of the panel. The respondents department had promoted the first three candidates of the panel and fourth vacancy was declared as reserved for Schedule Caste category. It is the contention of the applicant that the cadre strength of the Office Superintendent Grade-II is only four and therefore, the ^{post} cannot be in reserved for Schedule caste/Schedule Tribe. It has therefore been prayed by the applicant that the fourth vacancy be released in his favour. Hence this application.



3. In the counter, it has been stated by the respondents that they have followed the Railway Board Instructions issued under P.S. No. 11450/1997 (Annexure A-3) in reserving the fourth post for the Schedule Caste category. It has therefore, been averred by the respondents that the applicant has no case and the application is liable to be dismissed.

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4. Application of DOPT letter dated 02.07.1997 (Annexure A-2) prescribing 'L' shape roster for reservation in cadres up to 13 posts as also Railway Board Letter dated 21.08.1997(Annexure A-3) prescribing 'L' shape roster for cadres up to 14 posts, different from that of the DOPT roster had come up for consideration before this Tribunal earlier in OA No. 286/1998, Rajendra Kumar Gaur Vs. U.O.I & Ors. After examining both the rosters in detail, this Tribunal held in its order dated 11.05.2001 passed in OA No. 286/1998 as under :-




" The impugned notification dated 8.7.98 (A/1) is quashed and set aside. The vacancy shall be treated as unreserved, as this is a stage of second replacement only. Model roster issued by Railway Board vide letter dated 21.8.97(A/3) is also quashed and set aside. Respondent No. 1 and 3 are directed to adopt the same model roster as issued by the Department of Personnel and Training and communicate the same to their subordinate units within a period of 3 months from the date of this order."

5. We are of the view that the case in hand is squarely covered by this Bench order dated 11.05.2001 passed in OA No. 286/1998. Accordingly, we pass the order as under :-

"The OA is allowed. The respondents letter dated 10.12.1998(Annexure A-1) is quashed and set aside. Model roster issued by the Railway Board vide letter dated 21.08.1997 (Annexure A-3) is also quashed and set aside. Respondents are directed to adopt the model roster issued by the department of Personnel and Training for implementation in the respondents department. No costs."


(GOPAL SINGH)
Admn. Member


(B. S. RAIKOTE)
Vice Chairman

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O'Donovan
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Part II and III destroyed
in my presence on 16.2.02
under the supervision of
section officer (1) as per
order dated 13/2/02

VGNZ
Section Officer (Record)