

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

I/8

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Date of Order : 18 .10.2002.

O.A.NO. 151/2001

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Nagina Ram S/o Shri Sarwan Ram, aged about 42 years, Resident of Quarter No. 165/7, Key Personal Quarter C/o GE, Sriganganagar, at present employed on the post of FGM (SK) in the office of GE, MES, Sri Ganganagar.

.....Applicant.

versus

1. Union of India through Secretary to Government of India, Ministry of Defence, Raksha Bhawan, New Delhi.
2. Commander Works Engineer, MES, Sriganganagar.
3. Shri Kailash Ram, FGM HS-I, O/O GE MES, Lalgarh, Jattan, District Sriganganagar.
4. Shri Rohtas Singh, MES HS-I, Through Garrison Engineer, MES, Sriganganagar, District Sriganganagar.

.....Respondents.

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CORAM :

Hon'ble Mr. Justice G.L. Gupta, Vice Chairman

Hon'ble Mr. Gopal Singh, Administrative Member

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Mr. B. Khan, Counsel for the applicant.

Mr. S.K. Vyas, Counsel for the respondents-No. 1 to 3.
None for respondent No.4.

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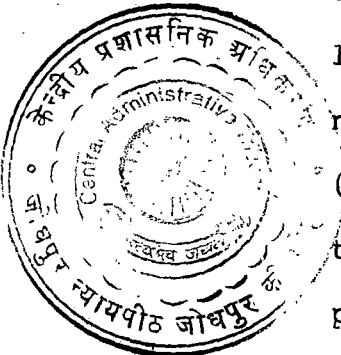
Gopal Singh



ORDER
[Per Mr. Gopal Singh]

In this application under section 19 of the Administrative Tribunals Act, 1985, applicant Nagina Ram, has prayed for a direction to the respondents to consider the case of the applicant for promotion to the post of Fitter General Mechanic Highly Skilled - II ('FGM HS-II' for short), from the date his juniors have been promoted with all consequential benefits.

2. Applicant's case is that he was initially appointed to the post of Mazdoor on 29th October, 1978 in the office of Garrison Engineer, Sri Ganganagar. He was further promoted to the post of Mate and Driver Engine Static (DES) on 15th September, 1983 and 15th September, 1987 respectively. In the year 1994, his designation was changed to Fitter General Mechanic (SK) [FGM SK]. It is the contention of the applicant that the respondent-department had conducted a Trade Test in the year 1995 for promotion to the post of FGM HS-II and two of his juniors namely, Shri Kailash Ram (respondent No.3) and Shri Rohtas Singh (respondent No.4) both Scheduled Tribe candidates, were allowed to take the trade test and on having qualified in the trade test, they were promoted as FGM HS-II vide respondents letter dated 29th June, 1995. The claim of the applicant, though, senior to respondents No. 3 and 4, has been ignored. It is the contention of the applicant that respondent No. 3 and respondent No. 4 have been appointed against roster reservation, though, roster reservation does not apply to their case. Hence, this application.



3. This controversy had come up earlier before this Bench, where one of us (Gopal Singh) was a Member, in O.A. Nos. 204/1998 and 296/2000 and in this Tribunal's order dated 12th April, 2002, passed in these O.As, it was observed as under :-

"6. It is not in dispute that promotion to the post of FGM H.S.-

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It attracts roster reservation policy and the points reserved for Scheduled Caste/Scheduled Tribe categories, would be filled up by the candidates of those categories and for that purposes Scheduled Caste / Scheduled Tribe category candidates though, much junior in the seniority list, would have to be called for the trade test. It is not correct to say that no roster reservation is provided for trade test. As a matter of fact, trade test is conducted to fill up the vacant posts and the posts are to be filled up as per the roster reservation and if, Scheduled Caste / Scheduled Tribe category candidates are not invited to take the trade test, vacancies reserved for them, would not be filled up. In these circumstances, we are firmly of the view that the grievance of the applicants against the Scheduled Caste / Scheduled Tribe candidates is not sustainable and we do not find any merit in these applications. Both the Applications are liable to be dismissed."

4. It is not the case of the applicant that respondent No. 3 and respondent No. 4, both Scheduled Tribe candidates, have been appointed against Scheduled Caste points. The applicant claims to belong to Scheduled Caste. It is also not the case of the applicant that any point reserved for a Scheduled Caste person has been kept vacant or any Scheduled Caste person, junior to him, has been appointed ignoring his case. Thus, we do not find any merit in this application and the same is liable to be dismissed. The Original Application is accordingly dismissed with no order as to costs.



[Signature]
[Gopal Singh]
Adm. Member

[Signature]
[G.L.Gupta]
Vice Chairman

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jrm