

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.463/96

Friday, this the 16th day of August, 1996.

CORAM:

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

PE Sainudeen,
Shipwright Highly Skilled II,
Naval Ship Repair Yard,
Cochin-682 004.

- Applicant

By Advocate Mr KS Bahuleyan

vs

1. Union of India represented by
the Secretary,
Ministry of Defence,
New Delhi.
2. Flag Officer Commanding-in-Chief,
Southern Naval Command,
Cochin-682 004.
3. Chief Staff Officer
(Personnel & Administration),
Headquarters,
Southern Naval Command,
Cochin-682 004.
4. The Commodore Superintendent,
Naval Ship Repair Yard,
Naval Base,
Cochin-682 004.
5. TK Chathunni,
Shipwright
(Fibre Reinforced Plastic
Highly Skilled I)
Naval Ship Repair Yard,
Cochin-682 004.

- Respondents

By Advocate Mr James Kurian, Additional Central Government
Standing Counsel(for R.1 to 4)

The application having been heard on 16.8.96 the
Tribunal on the same day delivered the following:

O R D E R

The grievance of applicant is that a single post of Shipwright Highly Skilled.I has been reserved for a member of a Scheduled Caste. Respondents admit that the post has been reserved. However, they tried to justify reservation relying on the decision in State of Bihar and others Vs Bageshwari Prasad and another, (1995) 29 ATC 349. The decision of the Constitution Bench in RK Sabharwal and others Vs State of Punjab and others, AIR 1995 SC 1371, lays down clearly that reservation cannot be made in a single post. Following the decision of the Constitution Bench, the appointment of 5th respondent under A-4 is quashed. Respondents 1 to 4 will fill up the vacancy treating it as an unreserved vacancy with effect from the date on which the vacancy arose.

2. Original Application is allowed with costs which I fix at Rs.500(Rupees five hundred).

Dated, the 16th August, 1996.


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

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