

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 148 of 1996.

Wednesday this the 20th day of March, 1996.

CORAM:

HON'BLE MR. JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR. S.P. BISWAS, ADMINISTRATIVE MEMBER

T.J. Antony,
Radio Mechanic Highly Skilled Grade II,
Radar Shop,
Naval Ship Repair Yard,
Southern Naval Command,
Cochin-4. .. Applicant

(By Advocate Shri P.V. Mohanan)

Vs.

1. The Flag Officer Commanding-in-Chief,
Head Quarters, Southern Naval Command,
Cochin-4.
2. Union of India represented by
Secretary, Ministry of Defence,
New Delhi. .. Respondents

(By Advocate Shri Shafik for Shri TPM Ibrahim Khan, SCGSC)

The application having been heard on 20th March, 1996,
the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant seeks to quash A2 order, rejecting
his request for appointment as Radar Mechanic H.S-I
(wrongly typed as Radio Mechanic in A2). The post was
treated as a reserved post and applicant a general category
official was informed that he could not be considered for
that post.

2. The reply statement filed by respondents shows that for four years the vacancy was carried forward. When in four years a candidate falling in the reserved category is not available, the post has to be filled up with a general category candidate. This position is put beyond doubt by decision of the Supreme Court in Sabharwal's case, (AIR 1995 SC 1371).

3. In these circumstances we quash A2 and direct respondents to dereserve the vacancy in question and make appointments to the post within two months from today.

4. Original Application is allowed. Parties will bear their costs.

Dated the 20th day of March, 1996.



S.P. BISWAS
ADMINISTRATIVE MEMBER



CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

*ks203/-

List of Annexures

1. Annexure-A2: True copy of the proceedings No. NSRY/10/267/1/dated 31.7.1995 issued by the Commodore Superintendent, Naval Ship Repair Yard, Kochi-4.