

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A. NO. 181 of 1996

Wednesday, this the 26th June, 1996

CORAM

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN  
HON'BLE MR P V VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

R. Ayyappan, S/o Raghavan,  
Ad-hoc Operator/ Ice Plant,  
Integrated Fisheries Project,  
Kochi -16.

.. Applicant

By Advocate Mr T.C. Govindaswamy.

Vs

1. Union of India through  
the Secretary,  
Ministry of Agriculture,  
Krishi Manthralaya, New Delhi.

2. The Director,  
Integrated Fisheries Project,  
Kochi -16.

.. Respondents

By Advocate Mr T.R. Ramachandran Nair, Addl.CGSC(represented)

The application having been heard on 26th June 1996,  
the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR (J), VICE CHAIRMAN

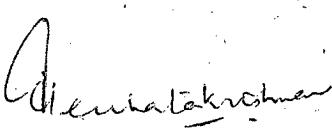
Applicant seeks a declaration that the single post of Operator, in the cadre is not liable to be reserved for a member of the Scheduled Caste. He relies on two decisions of the Supreme Court, namely Dr. Chakradhar Paswan Vs. State of Bihar & Ors (AIR 1988 SC 959) and Smt. Chetana Dilip Motghare Vs. Bhide Girls Education Society, Nagpur & Ors (AIR 1994 SC 1917).

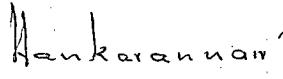
2. Standing Counsel for respondents admits that there is only a single post. But, relying on State of Bihar & Ors Vs.

Bageshwari Prasad & Anr (1995 Supp (1) SCC 432) he submits that reservation has to be applied to vacancies as they arise, and not to the cadre, and also that reservation should be applied to the first vacancy. The submission is untenable for more reasons than one. Respondents have not shown that the single vacancy falls at a reserved point. More importantly, Constitution Benches of the Supreme Court have held that reservation applies to the cadre and not to vacancies (for example Sabharwal's case - AIR 1995 SC 1371). It has also been held that once the roster position is satisfied, roster will not be followed, until a vacancy in a particular category arises.

3. Original Application is allowed and it is declared that the post of Operator will not be reserved. Respondents will pay the costs of applicant which we fix at Rs.1000/- (Rupees One Thousand).

Dated the 26th June, 1996

  
PV VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

  
CHETTUR SANKARAN NAIR (J)  
VICE CHAIRMAN

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