

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.42 of 1995

Thursday this the 21st day of March, 1996.

CORAM

HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR, VICE
CHAIRMAN

HON'BLE MR. S.P. BISWAS, ADMINISTRATIVE MEMBER

M.V. Varghese,
aged 41 years,
Casual Driver,
Office of the Sub Divisional Engineer,
(External South), Kottayam,
residing at Mattathil House,
Eruvachira PO, Thottakkadu, Kottayam. ... Applicant

(By Advocate Mr. R. Sreeraj)

Vs.

1. The General Manager,
Telecom, Kottayam.
2. The Chief General Manager,
Telecom, Kerala Circle,
Trivandrum. ... Respondents

(By Advocate Mr. KS Bahuleyan for ACGSC)

The application having been heard on 21st March, 1996 the
Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant who is a Group 'D' employee seeks a
declaration that he is entitled to be regularised as a Driver.
The basis of the claim is that he has been working on a casual
basis as a Driver. Casual service does not entitle regularisation.

2. That is not the end of the matter. Applicant falls in
a category eligible for consideration, if vacancies are available
in the departmental quota. There are vacancies, but respondents
think that these are reserved vacancies. Applicant is a general

category candidate.

3. In the reply statement respondents state:

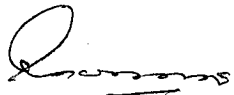
"..there were no departmental Scheduled Caste candidates available. The departmental Scheduled Caste quota was diverted to outside Scheduled Caste quota..(sic)...Roster point 4 must be reserved for Scheduled Tribe candidate and the vacancy is kept unfilled..."

If there are no candidates belonging to the reserved category the proper course is to carry forward the reservation and not to leave the post unmanned. [See K.S.R.T.C Vs. Doraiswamy, (1994 (3) LLJ 1052)].

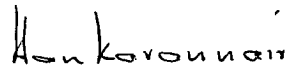
4. Respondents will fill up the vacancy accordingly, considering eligible candidates for appointment. We express no opinion on the qualifications or merit of applicant.

5. Original application is allowed. Parties will suffer their costs.

Dated the 21st day of March, 1996.



S.P. BISWAS
ADMINISTRATIVE MEMBER



CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

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