

Lucknow.

Registration (O.A. No. 273 of 1990 (L))

Chhotey Lal & another

... Applicants

Vs.

Union of India & others

... Respondents

Hon'ble Mr. D.K. Agrawal, JM,

Hon'ble Mr. K. Obayya, AM

J U D G M E N T

(Delivered by Hon'ble DK Agrawal, JM)

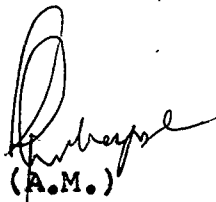
Heard the learned counsel for the applicant at length.

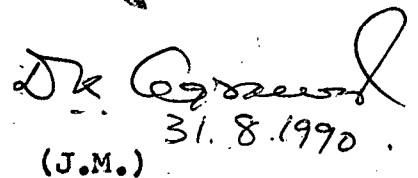
2. This application under Section 19 of the Administrative Tribunals Act, 1985, has been filed with the prayer that the order dated 26-7-1990 contained in Annexure-1 to hold the selection for 8 vacancies of Office Superintendent, Grade-II, from amongst the general caste candidates may be quashed. The selection notified as on 26-7-1990 should have already been held according to the schedule given in Annexure-1. However, the learned counsel for the applicant has stated before us that although written test has been held, the interview is scheduled to be held on 6-9-1990. Although there is no such allegation in the application, yet we have stated the facts as submitted before us by the learned counsel for the applicant. The contention of the applicant is contained in paras 4.2 and 4.3 of the petition which is to the effect that out of total 15 posts of Office-Superintendent, Grade-II, three posts should be filled-up by Scheduled Caste candidates. Their submission is that

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the department is violating the reservation rules by filling only 8 posts from amongst general candidates. In this regards representations have also been made by the applicants on 7-8-1990 and 30-7-1990. The acknowledgement of these representations have not been filed before us. Since the selection process has already gone more than half way, we are not inclined to issue a direction to the opposite parties not to proceed with the process of selection. However, we are inclined to give a direction to the opposite parties to take into account the aforesaid representations of the applicants, if received in their office, and dispose of the same with a speaking order and even otherwise consider the rules and the reservation policy before filling up the posts. The opposite parties are directed not to violate any rule or the reservation policy. In case they do so, the selection may be liable to be struck down. We dispose of the petition with the above directions with liberty to the applicants to approach the Tribunal if the selection in accordance with rules and reservation policy is not done by the opposite parties or the representations are not disposed of by a speaking order.

3. The petition is accordingly disposed of finally.


(A.M.)


31.8.1990
(J.M.)

Dated : Lucknow

August 31, 1990.

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