

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA.

O.A.No. 580 of 1996

DATE OF ORDER : 05.02.2002.

Dinesh Kumar Pandey, General Secretary, Employees Provident Fund Staff Union, Bihar, Patna, son of late R.N. Pandey, resident of Sushila Sadan, Jakkampur New Area, Patna - 1, working in the office of Regional Provident Fund Commissioner, Bihar, R. Block, Patna-1.

..... APPLICANT.

By Advocate Shri N. Ganguli.

Versus

1. The Regional Provident Fund Commissioner, Bihar R. Block, Road No. 6, Patna - 1.
2. Central Provident Fund Commissioner, Hudco Vishala, 14, Bhikaji Kama Road, New Delhi . - 66.
3. The Secretary, Department of Personnel, Ministry of Personnel and Public Grievance, Govt. of India, N. Block, New Delhi.

.....RESPONDENTS.

By Advocate Shri R.S. Pradhan.

C O R A M

Hon'ble Shri L.R.K. Prasad, Member (A)
Hon'ble Mrs. Shyama Dogra, Member (J)

O R D E R (Dictated in open court)

By L.R.K. Prasad, M(A):- Heard learned counsel for the parties. This application has been filed seeking following reliefs:-

- (i) Deservation policy as contained in chapter 10 of the 'Brochure on Reservation for S.C. and S.T. in services be followed by the respondents.
- (ii) The posts lying vacant since 1986 on account of examination quota of S.C. and S.T. category be filled up as no suitable candidate is available in S.C. and S.T. category and persons who have already qualified in the examination quota of the general category be promoted in accordance with

policy decision of the concerned authorities.

- (iii) The persons who have already qualified in the examination quota in general category may be promoted after dereservation of S.C. and S.T. quota.

2. The factual back-ground of the case is that vide letter dated 26.8.1994 (Annexure A/1), the number of posts to be filled under examination quota under various categories was announced. The number of posts to be filled under examination quota were General - nil, S.C. - 3 and S.T.- 4, total - 4, and the number of qualified officials were from General - 10, S.C.-nil and S.T. - nil, total-10. In the letter dated 8.9.1995 (Annexure -2), the number of post to be filled under examination quota were General- 2, S.C. - 4 and S.T. - 1, total being 7. However, the number of qualified officials were General - 8, S.C. nil and S.T. - nil, total - 8. In the letter dated 19.8.96 (Annexure -3), filling up of the posts under various quotas was announced along with persons who qualified. It is observed that no one qualified from the S.C. and S.T. quota. It is pointed out that the post in question has not been filled up since 1986 against S.C. and S.T. quota for promotion of Head Clerk due to non-availability. Therefore, it is the stand of the applicant that if S.C./ S.T. candidates are not available, reservation for them is required to be dereserved as per the roster policy after certain period (three years). The matter was taken up

by the employees Provident Fund Staff Union with the concerned authorities stating therewith that as per the reservation policy and instructions if the post of S.C. and S.T. (examination quota) is not filled up within three years by suitable candidate, that post should be automatically dereserved. In this regard, our attention was drawn to the representation dated 4.7.1996, which is at Annexure -8. In addition to the aforesaid representation, the matter ^{was} ~~is~~ also being taken up subsequently, but no decision in this regard has yet been taken by the concerned authority.

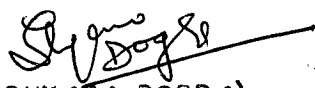
3. While opposing the above application, the learned counsel for the respondents stated that the matter is under consideration of the concerned authorities, and it will take some time to give decision regarding implementation of roster policy, as the Bihar Region has been divided into two Regions. The work relating to re-distribution/allocation of work and allotment of staff to both the Regions has already been undertaken by the Head Quarters Office. In both the regions, separate reservation rosters are required to be maintained after taking into consideration the total allotted /sanctioned strength of staff in each cadre.


4. From the pleadings of the parties, we get an impression that the matter relating to dereservation as per the law is getting delayed. There are specific

instructions/rules regarding the procedures to be followed for reservation of posts for S.C. and S.T and also for dereservation of such post if suitable candidates under S.C. and S.T. quota are not available. In the instant case, we find that the matter is pending since long , which must be settled as soon as possible in order to implement the prescribed roster policy on the subject.

5. In view of the above position, we dispose of this OA by directing the concerned respondents to examine the prayer of the applicant and pass reasoned order in accordance with law within four months from the date of receipt of copy of this order. There shall be no order as to costs.

/CBS/


(SHYAMA DOGRA)
MEMBER (J)


(L.R.K. PRASAD)
MEMBER (A)