

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH, CAMP AT NAGPUR.

Tr. No. 346/1987.

Shri G.B. Bansod.

..... Applicant.

V/s.

Union of India & Ors.

..... Respondents.

Coram: Hon'ble Shri Justice M.S. Deshpande, Vice-Chairman,  
Hon'ble Shri M.Y. Priolkar, Member(A).

Appearances:-

Applicant by Ms. Pathak.

Respondents by Ms. Indira Bodade.

Oral Judgment:-

[Per Shri M.S. Deshpande, Vice-Chairman] Dt. 28.7.1993.


Heard counsel for the parties. The only question which arises for consideration is about the petitioner's claim for empanelment in the pay scale of Rs. 700-900 on the basis that he belongs to Scheduled Caste. There is no dispute about the fact that all the other prayers of the applicant do not survive, as they have been met. According to the Respondents the empanelment for 41 posts came to be made as on 1.1.1984. But the learned counsel for the Respondents states that the empanelment was for 48 posts and on the basis of 15% reservation, there will be at least six posts which should have been gone to the SC. The Respondents stated that four persons S/Shri S.A. Kuril, N.D. Sakwar, Gaya Prasad Chabria and D.K. Bhosle were senior to the applicant and ~~were senior to the applicant~~ and were working in the grade of Rs. 550-750(RS). Two posts were required to be filled on the basis of modified selection viz. seniority-cum-~~suitability~~ and since ~~out of the~~ four persons senior to the applicant ~~they~~ were promoted ~~thus leaving~~ <sup>there was</sup> no vacancy. There is clearly an error in this submission because Shri Kuril and Shri Bhosale were among the four persons who were already appointed thus leaving two vacancies to be filled up. The


(ST)

applicant was one of the contestants in the SC category and he should have been considered for the position w.e.f. 1.1.1984.

2. The submission clearly shows that the applicant had not been considered at that stage. He came to be considered in 1986, 1987 and 1989 and was found not suitable by the DPC. Since the requirement was only seniority-cum-suitability after the upgradation and restructuring of the posts in 1984, the suitability of the applicant ~~was~~ not then considered shall fall to be considered on the basis of the criterion seniority-cum-suitability. The applicant's claim as per prayer (D) can be granted to him only if the DPC finds him suitable on the criterion prescribed.

3. We therefore, direct the respondents to hold a review DPC on the basis of the criterion seniority-cum-suitability and consider the applicant's entitlement on that basis w.e.f. 1.1.1984. If the applicant is found entitled he will be entitled to all the pecuniary benefits w.e.f. the deemed date of promotion. All these benefits be given to the applicant if he is found suitable within four months from the date of the communication of the order to the Respondents. There will be no order as to costs.

  
(M.Y. PRIOLKAR)  
MEMBER (A)

  
(M. S. DESHPANDE)  
VICE-CHAIRMAN

B.