

(9)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. NO: 588/88 199

~~F.A. NO:~~

DATE OF DECISION 4-2-1992

SHRI GHANSHAM SINGH & ORS. Petitioner

SHRI G.S. WALIA, Advocate for the Petitioners

Versus

UNION OF INDIA & ORS. Respondent

SHRI J.G. SAWANT, Advocate for the Respondent(s)


CORAM:

The Hon'ble Mr. JUSTICE U.C. SRIVASTAVA, VICE-CHAIRMAN,

The Hon'ble Mr. A.B. GORTHI, MEMBER (A).

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

mbm*


(U.C. SRIVASTAVA)
V/C.

(10)

IN THE CENTRAL ADMINISTRATIVE, TRIBUNAL, BOMBAY BENCH OF

Registration O.A.No. 588 of 1988

Ghansham Singh & Others...

Applicants

Vs-

Union of India & Others...

Respondents

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. A.B. Gorthi, Member (A)

Dated 9/2/92

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

By means of this application the applicants have prayed for quashing the order dated 30.6.88 and they have further prayed that as a result of quashing and setting aside the order dated 30.6.88 the applicants may be declared to be entitled to all the consequential benefits as regards promotion, seniority, increment and arrears etc. By the said impugned order certain postings were ordered with immediate effect and as a result of posting of four persons the applicants and one more person ^{was} ~~was~~ reverted. The order dated 30.6.88 indicates that the applicants who were promoted on ad-hoc basis as C.E. & R.S. Gr. Rs. 700-900/2000-3200 (RPS) vide order dated 11.7.85 were reverted and posted as R.S. Gr. 1600-2660 (RPS) Bombay, V.T. The applicant no. 1 belongs to Scheduled Caste and Applicant no. 2 belongs to Scheduled Tribes community. The plea of the applicants is that being a member of Scheduled Caste and Scheduled Tribes community and as such the rules pertaining to reservation of posts/vacancies are applicable to them and they are entitled for all the benefits resulting therefrom. Their promotion to the post of Chief Enquiry-cum-Reservation Supervisor was based on the seniority assigned to them in the lower scale of Rs. 550-750 (RS) / 1600-2660 (RPS). The post of C.E. & R.S. was the selection post which was to be filled on the basis of Merit-cum-seniority. The

applicants appeared for the selection and according to them they have passed in the said selection. Though they have clearly stated that they are not in a position to make any categorical statement as the result of the selection has not been declared. According to the applicants the reversion has been made on the ground that the reservation quota in the said category of C.E. & RS has exceeded 15% and 7.5% for SC and ST respectively.

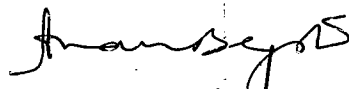
2. According to the respondents the applicants have not stated the correct facts. The respondents have stated that the grade of CE & RS is controlled by the zonal headquarters of Central Railway and selection is made from pooled seniority comprising of all Divisions of the said Railway. The category of Chief Enquiry and Reservation Supervisor is a ~~selection grade~~. Pending selection, the applicants were promoted on 11.7.85 on ad-hoc basis by way of local arrangements and not based on all-line seniority, and it is not correctly stated that the said adhoc promotion was ordered on the basis of seniority list published on 2.3.88. According to them ~~it is not~~ correctly stated by the applicant that they have passed and have been empanelled for promotion. The selection panel was declared on 8.6.1988. The written test for selection was held on 12.7.87 for 11 posts. 33 employees including the applicants in order of their seniority in grade Rs.550-750(RS) were called to appear in this selection as per the orders then prevailing in regard to reservation to SC/ST in the matter of promotion. On the basis of prescribed percentage the reservation to SC/ST works out to 3 and 1 posts respectively, and there are already 5 employees from SC community and 1 employee from ST community working in this category on

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regular basis. Hence there is no scope for further reservation. The applicants were not placed on the panel as they have progressed from initial recruitment grade Rs.1200-2040(RPS) to grade Rs.1600-2660(RPS) against quota reserved for SC/ST community against roster points, and none of their juniors have been placed on the panel.

3. Thus the facts as stated above makes it clear that the applicants have not been selected and nor they were entitled to claim promotion on the basis that they are the member of Scheduled Caste and Scheduled Tribes community because the quota of SC/ST was already completed. In view of the fact that they were earlier promoted on the adhoc basis, they cannot claim further promotion. The appointment of the applicants on the promotional post was only the short term arrangement and not the regular arrangement. Accordingly we do not find any merit in this case and the application deserves to be dismissed. No order as to costs.


Member (A)


Vice-Chairman.

Date: _____ Bombay.

4.2.92

(sph)