

(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 157/89
~~XXXXXX~~

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DATE OF DECISION 17.6.1991

Shri Ganeshlal Babular Petitioner

None for the applicant Advocate for the Petitioner (s)

Versus

Union of India and others Respondent

Mr. R. K. Shetty Advocate for the Respondent (s)

CORAM

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

The Hon'ble Mr. M.Y. PRIDDKAR, 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 ?

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH

ORIGINAL APPLICATION NO.157/89

Shri Ganeshlal Babulal
S/o Babulal Pathe Singh
residing at Deolali Camp,
H.Q.school of Artillery,
Deolali camp. Dist.Nashik.

.... Applicant

VS.

Union of India and
others.

.... Respondents

CORAM : HON'BLE JUSTICE SHRI U.C.SRIVASTAVA, Vice-Chairman.

HON'BLE SHRI M.Y.PRIOLKAR, MEMBER(A)

Appearance:

None for the applicant

Mr.R.K.Shetty,
for the respondents

ORAL JUDGMENT
(PER: M.Y.PRIOLKAR, M(A))

DATED: 17.6.1991

The applicant was initially appointed as a Civilian Water carrier on 15.9.1961. He was subsequently ~~appointed~~ transferred as Civilian Watchman ^{and} in November 1966 was appointed as the Head Watchman in ¹⁹⁷³. His grievance is that on 7th January 1989 his juniors have been promoted as Head Watchmen and the applicant was reverted without furnishing any reasons for his reversion. ~~His~~ ^{He} representation ^{ed.} against the promotion of his juniors ^{and} his supersession. This was also rejected by the Competent Authority.

2. According to the respondents, the promotion of the juniors was in view of the fact that two posts of Watchmen to ~~which~~ one of which the applicant was appointed ~~as~~ ^a purely short term arrangement. ^{well in} Regarding the reserved

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category, one being reserved for ST and the other for SC. In accordance with the 40 point Roster they had to recruit only reserved category candidates to those posts and the respondents have stated that after qualified candidates in the reserved category were available, the short term arrangement was discontinued and the applicant had to be reverted to the original post.

3. It is clear from the affidavit that the applicant's contention, that he is senior most ~~that~~ and has the right to be appointed to the promotional post in preference to the juniors cannot be accepted, since these posts were in the reserved category and will have to be filled with qualified candidates of that category at an early date. No other arguments have been ^{advanced} ~~pleaded~~ by the applicant. The seniority can not evidently make the applicant ^(general category) eligible for promotion against reserved category in accordance with the 40 point Roster ^{and this} has not been ^{disputed}. Therefore, we do not find any merit in this application, which is accordingly rejected with no order as to costs.

(M.Y. PRIOLKAR)
Member(A)

(U.C. SRIVASTAVA)
Vice-Chairman