

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.118/1996

Dated this Wednesday, the 18th Day of April, 2001.

Shri Kunwar Singh Lall Applicant

(Applicant by Shri S.P.Kulkarni, Adv.)

Versus

UOI & Ors. Respondents

(Respondents by Shri S.C. Dhawan, Adv.)

CORAM

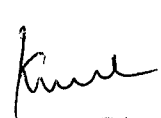
HON'BLE SHRI KULDIP SINGH, MEMBER (J)

HON'BLE SMT. SHANTA SHASTRY, MEMBER (A)

(1) To be referred to the Reporter or not?

(2) Whether it needs to be circulated to
other Benches of the Tribunal?

(3) Library.


(Kuldip Singh)
Member (J)

sj*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

Original Application No.118/1996

Date of Decision: Wednesday, the 18th Day of April 2001

CORAM: HON'BLE SHRI KULDIP SINGH, MEMBER (J)
HON'BLE SMT. SHANTA SHASTRY, MEMBER (A)

Shri Kunwar Singh Lall
Son of P.S. Lall
Age 51 years,
Working as: Motor Man (Suburb)
Central Railway, Mumbai V.T.
Mumbai 400 001.
R/a: F/243, Railway Quarters,
Murbad Road,
Near Railway High School,
Kalyan 421 301 Applicant

(Applicant by Shri S.P.Kulkarni, Advocate)

vs.

1. Union of India through
General Manager,
Central Railway, Mumbai V.T.
Mumbai 400 001.
2. Senior Divisional Personnel
Officer, Central Railway,
Bombay Division,
Office of the Divisional Railway Manager,
Bombay Division, Central Railway,
Mumbai V.T. Mumbai 400 001.
3. Divisional Railway Manager,
Central Railway,
Bombay Division, Mumbai V.T.
Mumbai 400 001. Respondents
(Respondents by Shri S.C. Dhawan, Advocate)

O R D E R (ORAL)

[Per: Kuldip Singh, Member (J)]:

The Applicant in this O.A. has prayed for the following
reliefs:

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...2/-

(a) This Hon'ble Tribunal be pleased to call for the record of the D.P.C. and Special Rosters for the year 1994 and 1995 so as to determine illegality that has crept in, in the carry forward Points declaration of vacancies and consequential non-promotion of applicant as L.P.C. in the year 1995.

(b) This Hon'ble Tribunal be pleased to quash and set aside letter dated 11.05.1995 being arbitrary and untrue in as much as there were vacancies, of Shri S.W.Kamble and one another.

(c) This Hon'ble Tribunal be pleased to direct Respondents to constitute Review D.P.C. for Schedule Caste Vacancies for the year, 1995 and direct them to consider the applicant and if selected all consequential benefits be given to him.

(d) Any other and such further relief as may be deemed fit and proper by this Hon'ble Tribunal.

(e) Cost of Rs.2,000/- be awarded to the applicant.

The facts in brief are that the Applicant is working as Motorman (Loco) from August, 1988 under the Central Railway, Mumbai. The next promotion for Motorman is in the scale of Rs.2,000 - 3200, Loco-Power Controller/ J L I/etc.

2. The grievances of the Applicants are that there existed vacancies for Scheduled Castes candidates as per the roster for 1995. According to the Applicant there were two vacancies reserved for Scheduled Castes but only one was filled in 1995. The details of vacancies ^{available as stated by the applicant ka} announced for the year 1994, 1995 and 1996 are as under:

	<u>OC</u>	<u>SC</u>	<u>ST</u>	<u>Total</u>
1994	9	+ 2	-	= 11
1995	7	+ 1	+ 3	= 11
1996	3	+ 2	+ 3	= 08

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The Applicant had also undergone written examination in the year 1995 as well as he appeared for the viva voce but could not get included and secure place in the panel as only one S.C. vacancy was declared and filled in for 1995. Had there been more vacancies ~~considered~~^{be} the Applicant would have been selected for inclusion in the select list. The Respondent Department had not counted the vacancies properly as one Shri S.W.Kamble, who is also a S.C. candidate who was working as Motorman was decategorised ^{and posted} Loco Power Controller had been given some other job. In that vacancy created by Shri Kamble, ~~he~~ should be considered for promotion to the next rank.

3. The Respondents ^{are} ~~were~~ contesting this O.A. by filing a Written Reply. They say that when the Notification was issued for holding the selection this vacancy was not available as the Notification was issued on 16.1.1995 and Shri S.W. Kamble (SC) was promoted as Chief Loco Power Controller only from 23.1.1995. So, there was no question of vacation of ^{the post} ~~vacancy~~ by Shri S.W. Kamble as on 16.1.1995 and as such no other vacancy for SC candidate was available against which the Applicant could have been considered.

4. This fact could not be denied by the Applicant and from the Affidavit filed by the Respondents ^{he are} ~~it is~~ satisfied that in the year 1995 no other vacancy of SC candidate was available

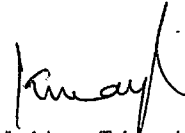
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against which the Applicant would have been considered. Hence we find no merits in the O.A. and the same is dismissed. No costs.



(Smt. Shanta Shastri)

Member (A)



(Kuldip Singh)

Member (J)

sj*