

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE

DATED THIS THE 28TH DAY OF APRIL, 1987.

Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman
Present: and
Hon'ble Shri L.H.A. Rego, Member (A)

APPLICATION NOS. 1746 & 1747/86

1. Manchaiah,
165/C Rly. Colony/AP,
Mysore. Applicant in
A.No.1746/86

2. Kapinaiah,
S/o Nanjaiah,
D.No.61, New Moddle House,
10th Cross, Ashokapuram,
Mysore-8. Applicant in
A. No.1747/86

(Shri D.S.R. Reddy, Advocate)

v.

1. Senior Divisional
Railway Manager,
Southern Railway,
Mysore Division,
Mysore.

2. Chief Personnel Officer,
Southern Railway,
Park Town,
Madras-3.

.... Common respondents
in A.Nos.1746 &
1747/86.

(Shri A.N. Venugopal, Advocate)

These applications having come up for hearing
to-day, Vice-Chairman made the following.

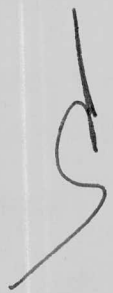
O R D E R

As the questions that arise for determination
in these cases are common, we propose to dispose of
them by a common order.

2. The applicants claim to be members of Scheduled Caste (SC). They claim that for the year 1982-83, there was an acute shortfall of qualified candidates to the posts reserved for members of SC in Class IV category at the Mysore Division of the Southern Railway and to wipe out the shortfall, their cases were sponsored by the authorised associations and they have undergone medical examination also but still the respondents have not appointed them to the vacancies earmarked to members of SCs. Hence, the applicants by separate but identical applications made on 15.10.86 have approached this Tribunal under Section 19 of the Administrative Tribunals Act of 1985 for appropriate directions to appoint them to class IV posts at Mysore Division.

3. In their common reply, the respondents have asserted that there was no shortfall in the vacancies earmarked to members of SCs for the years 1982-83 and the applicants alleged to have been sponsored cannot be considered for appointments.


4. Shri D.S. Ramachandra Reddy, learned counsel for the applicants, contends that the correspondence ensued clearly established that there was a shortfall of vacancies earmarked to members of SCs for the year 1982-83; that the recognised ^{associations} had sponsored the applicants who had also undergone medical examination and the



respondents were bound to appoint them which they had failed to do and therefore we should issue appropriate directions for their appointment.

5. Shri A.N. Venugopal, learned counsel for the respondents contends that ~~there~~ there was no shortfall of vacancies for the year 1982-83, and therefore the question of anybody sponsoring or making appointment of the applicants does not at all arise.

6. In their reply the respondents have asserted that there was no shortfall of vacancies in the category of Class IV services for vacancies reserved to members of SC which necessarily means for the year with which we are concerned viz., 1982-83. We have no reason to disbelieve this statement made by the respondents in their reply verified by one Shri Ratan who is working as the Assistant Personnel Officer of Mysore Division. If that is so, we must necessarily accept the plea of the respondents that there was no shortfall of vacancies reserved to members of SCs for the year 1982-83. If that is so, the question of anybody sponsoring their names or any of the authorities making appointments against vacancies that did not exist does not at all arise. The correspondence if any that has ensued on the impression that there was a shortfall, cannot displace the ^{and} real/factual position. From this it follows that the question of this Tribunal examining all other questions, does not at all arise.



CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

REGISTERED

Commercial Complex(BDA)
Indira Nagar,
BANGALORE- 560 038.

Dated

6 MAY 1987

Application No. 1746 & 1747/86(F)

WP No. _____

Applicant

1. Manchaiah, A. in A. No.1746/86 & 2. Kapinaiah, Applicant in A.No.1747/86

To

1. Shri.Manchaiah,
165/C Railway Colony/AP,
Mysore.
2. Shri.Kapinaiah,
D.No.61, New Moddle House,
10th Cross, Ashokapuram,
Mysore- 8.
3. shri.D.S.Ramachandra Reddy,
Advocate,
No.11, Jeevan Buildings,
Kumara Park East,
Bangalore- 560 001.
4. Senior Divisional Railway Manager,
Southern Railway,
Mysore Division,
Mysore.
5. Chief Personnel Officer,
Southern Railway, Park Town, Madras- 3.
6. Shri.A.N.Venugopal,
C/o Shri.N.S.Srinivasan, Advocate,
Room No.12, 2nd Floor,
S.S.B.Mutt Building,
Tank Bund Road, Bangalore- 9.

SUBJECT: Sending copies of Order passed by the Bench in
Application No. 1746 & 1747/86(F)

....

Please find enclosed herewith the copy of the Order/

~~Interim Order~~ passed by this Tribunal in the above said Application

No. 1746 & 1747/86(F) on 28-4-87

Encl: as above.

have
SECTION OFFICER
(JUDICIAL)

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