

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

## NEW BOMBAY BENCH

O.A. No. 358/91  
~~T.A.~~ ~~No.~~

198

DATE OF DECISION 12-8-1991

Vikram Laxmanrao Bhosale Petitioner

Mr. D.V. Gangal Advocate for the Petitioner(s)

Versus

Union of India & another Respondent

Mr. V.S. Masurkar Advocate for the Respondent(s)


### CORAM

The Hon'ble Mr. P. S. Chaudhuri, Member(A)

The Hon'ble Mr. T. Chandrasekhara Reddy, Member(J)

1. Whether Reporters of local papers may be allowed to see the Judgement ? Yes
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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(P.S. CHAUDHURI)  
Member(A)

3. It is not disputed that there are recruitment rules for the post of Security Officer in the Telecom Factories Organisation and that these recruitment rules show that there are three such posts. However, it is not in dispute that in actual fact what exists is not a common lot of three posts. What exists is one isolated post in each of the three Telecom Factories at Calcutta, Jabalpur and Bombay. Further promotion to each of the three posts is made separately and consideration for promotion is confined only to the employees of the Factory concerned. Further, the employees of one Factory are not considered for any promotions being made to the post in question in either of the other two Factories.

4. It is now well settled that if there is only one post in the cadre, there can be no reservation with reference to that post either for recruitment at the initial stage or for filling up a <sup>future</sup> ~~new~~ vacancy in respect of that post. Further, a reservation which would come under Article 16(4) of the Constitution presupposes the availability of at least more than one post in that cadre. In the present case there is only post and so it is undisputable that there can be no reservation - see Dr. Chakradhar Paswan v. State of Bihar and others (1988) 7 ATC 104.

5. In this view of the matter we have no difficulty in holding that the post of Security Officer, Telecom Factory, Deonar, Bombay cannot be a reserved post and there is, therefore, no question of maintaining a Roaster for filling it.



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6. We accordingly allow this application and declare that the said post of Security Officer shall be treated as an unreserved post and quash and set aside any arrangements made by the respondents to make appointments to it on any other basis. We further direct that should the respondents wish to make appointments against the said post they shall do so in accordance with the rules applicable to un-reserved posts.

T. Chandrasekhara Reddy  
(T.Chandrasekhara Reddy)  
Member(J)

P.S. Chaudhuri  
(P.S.Chaudhuri)  
Member(A)

12-8-1991