

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE- 560 038.

Dated: 19 OCT 1994

APPLICATION NO: 31A of 1994.

APPLICANTS:- Sri. B. Bhaskara, Mangalore.
V/S.

RESPONDENTS:- The Director, Small Industries Service Institute,
Bangalore and four Others.

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1. Sri. P. S. Rajagopal,
Advocate, No. 3 II floor,
First Main Road,
Kumbhar Samagra Bldg,
Gandhinagar, BANGALORE-9.

2. Sri. H. S. Padmarajiah,
Senior Central Govt. Stng Counsel,
High Court Bldg, BANGALORE-11

Subject:- Forwarding of copies of the Order passed by the
Central Administrative Tribunal, Bangalore.

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Please find enclosed herewith a copy of the ORDER/
~~STAY ORDER/INTERIM ORDER~~ passed by this Tribunal in the above
mentioned application(s) on 05-10-94.

Issued on

19/10/1994

of

for DEPUTY REGISTRAR
JUDICIAL BRANCHES

[Signature]

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE**

ORIGINAL APPLICATION NO.314 OF 1994

WEDNESDAY THIS THE FIFTH DAY OF OCTOBER, 1994

MR. JUSTICE P.K. SHYAMSUNDAR	VICE CHAIRMAN
MR. T.V. RAMANAN	MEMBER (A)

(By Advocate P.S. Rajagopal)

v

1. Director,
Small Industries Service Institute
Rajajinagar,
Bangalore - 560 004
2. Union of India by its Secretary,
Ministry of Industry,
Udyog Bhavan,
New Delhi
3. G. Nagaraja
Skilled Worker Gr.II
Small Industries Service Institute,
Rajajinagar,
Bangalore - 560 044
4. S. Krishnappa
Skilled Worker Gr.II
Small Industries Service Institute,
Hubli
5. The Development Commissioner,
Small Scale Industries,
Nirman Bhavan,
New Delhi - 110 011

(By learned Standing Counsel)
Shri M.S. Padmarajaiah for
R-1, 2 and 5

ORDER

MR. T. V. RAMANAN, MEMBER (A)

Admit.

2. We have heard Smt. G. Ramavathi appearing for Shri P.S. Rajagopal, counsel for the applicant and Shri M.S. Padmarajaiah, learned Senior Central Government Standing Counsel.

3. In this case, the applicant, who was working as a Skilled Worker Gr.II at the Mangalore Branch of the Small Industries Service Institute which is under the overall control of R-1 at Bangalore, had to exercise option for reversion to the post of Helper which he had held originally before his appointment as a direct recruit Skilled Worker Gr.II. This happened because the Central Government decided to close down the Extension Centres of the Institute at Mysore and Belgaum and this necessitated abolition of certain posts of Skilled Worker Gr.II. The respondents gave an opportunity to the applicant, among others, for being declared as surplus or for reversion to the lower post held by him previously. Accordingly, the applicant exercised his option for reversion and, as such, he was reverted to the post of Helper which he is presently holding. The applicant has come up with this application reportedly on coming to learn that two persons namely S/Shri G. Nagaraja and S. Krishnappa, Respondent Nos.3 and 4, who were also holding the posts of Skilled Worker Gr.II and who admittedly are junior to him in the aforesaid grade, are being continued as Skilled Worker Gr.II. His plea is that he was led into exercising his option for reversion to the lower post without

being told about the retention of R-3 and R-4 on the higher posts although they happened to be junior to him in the grade of Skilled Worker Gr.II. The official respondents contend that S/Shri Nagaraja and Krishnappa(R-3 and R-4) had to be retained as Skilled Workers Gr.II in the light of the instructions issued by the Department of Personnel & Training O.M.No.1/18/88-CS-III dated 10.4.1989 by which even before declaring certain employees as surplus from a particular cadre it should be ensured that the particular cadre had the requisite percentage of Scheduled Castes and Scheduled Tribes in terms of the percentages ear-marked for them. The respondents state that they had simply complied with the aforesaid instructions and this resulted in retention of R-3 and R-4 who happened to belong to the Scheduled Tribes. According to them there were 19 Skilled Workers Gr.II on their rolls and based on the reservation quota ^{of 7½%} for the Scheduled Tribes, they should retain 2 persons belonging to the category of Scheduled Tribes as Skilled Workers Gr.II. Accordingly, although junior to the applicant, R-3 and R-4 had to be continued as Skilled Workers Gr.II and were not to be declared surplus. This is what they did.

4. The applicant's plea that at the time of exercising his option for reversion he was not aware of his juniors being retained on the higher posts does not seem to us to be tenable. The official respondents had only carried out the instructions contained in the Government of

India's O.M. referred to supra and this the applicant is unable to dispute. We, therefore, see no reason as to why the applicant who does not belong to any reserved category should be preferred to R-3 and R-4 who have been retained on the higher posts rightly in terms of the Government of India's O.M. referred to above. Learned Standing Counsel informs us that should a vacancy arises in future in the grade of Skilled Worker Gr.II, it would be the applicant who would be given the benefit of promotion because in that grade he is the only person who had to be reverted to the lower post of Helper, on the basis of the option exercised by him.

5. In the result, this application fails and is dismissed. No order as to costs.

M D N Nageswara

Sd/-

VICE CHAIRMAN

Sd/-

(T.V. RAMANAN)
MEMBER (A)



TRUE COPY

Section Officer
Administrative Tribunal
Bangalore Bench
Bangalore