

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

Second Floor,  
Commercial Complex,  
Indiranagar,  
BANGALORE - 560 030.

Dated: 13 MAR 1995

APPLICATION NO.

1653 of 1994.

APPLICANTS: Sri.Siddagangaiah and two others.,

V/S.

RESPONDENTS: The Registrar General of India, New Delhi  
and another.

To

1. Sri.M.Raghavendra Achar, Advocate,  
No.1074 and 1075, Fourth Cross,  
Second Main, Sreenivasanagar,  
Bangalore-560 050.
2. Sri.M.Vasudeva Rao, Additional  
Central Govt. Standing Counsel,  
High Court Bldg, Bangalore-1.

Subject:- Forwarding copies of the Orders passed by the  
Central Administrative Tribunal, Bangalore-38.

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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 01-03-1995.

Issued on  
13/03/95

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for DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL,  
BANGALORE BENCH.

ORIGINAL APPLICATION NO. 1653/ 1994

WEDNESDAY, THE 1ST DAY OF MARCH, 1995

SHRI V. RAMAKRISHNAN

...

MEMBER (A)

SHRI A.N. VUJJANARADHYA

...

MEMBER (J)

1. Shri Siddagangaiah,  
S/o Shri Siddarangaiah,  
Aged 29 years,  
Lakshmipura at & Post,  
Dasanapura Hobli,  
Bangalore North Taluk,  
Bangalore District.
  
2. Shri L. Shivalingaiah,  
S/o Shri K. Lingaiah,  
Aged about 32 years,  
C/o Shri Chaluvaiah,  
No. 27, K.H.B. Colony,  
1st Stage, Bangalore-59.
  
3. Smt. K.T. Jayamma,  
D/o Late Shri Thammaiah,  
Aged 34 years,  
C/o Shri Rangaiah, KSRP,  
No. 142, Hudco Quarters,  
Koramangala,  
Bangalore - 34.

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Applicants

( By Advocate Shri M.R. Achar )

Vs.

1. The Registrar General in India,  
Mansingh Road,  
New Delhi.
  
2. The Joint Director of Census  
Operation in Karnataka,  
No. 21/1, Mission Road,  
Bangalore - 560 027.

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Respondents

( By Addl. Central Govt. Standing Counsel,  
Shri M.V. Rao )



ORDER

Shri V. Ramakrishnan, Member (A)

M.A. 21/95 is allowed.

2. We have heard Shri M.R. Achar for the applicants and Shri M.V. Rao for the respondents. The applicants herein who are retrenched Census employees and who belong to Scheduled Caste category are aggrieved by the action of the department in not selecting them for the post of Data Entry Operator Grade 'A'. The Census department issued a circular on 24.9.93 as at Annexure A-1 inviting applications for filling up of 18 posts of Data Entry Operator <sup>Grade</sup> ~~Group~~ 'A' of which 3 posts were reserved for Scheduled Caste and one post reserved for Scheduled Tribe. Annexure to the circular (Annexure A-1) specifies that the candidates should possess a speed of not less than 8000 key depressions per hour for the post of Data Entry Operator. The relevant speed test seems to have been held on the 8th and 9th of June, 1994. While publishing the results by letter dated 11.8.94 as at Annexure A-3, the department had brought out that criterion for selection will be 8000 key depressions per hour in respect of all open market candidates whereas it is only 6000 key depressions per hour in respect of all the retrenched census employees as per the instructions of the Registrar General of India. In the merit list which was enclosed to the letter, none of the three applicants could press 6000 key depressions per hour and as such they were not considered for selection. The applicants represented to the Joint Director, Census Operation, Karnataka Region as also to the Registrar General requesting for appointment as Data Entry Operator, <sup>Grade</sup> ~~Group~~ 'A'.  
*157*

The applicants made their representation to the Registrar General in the later part of August, 1994 and this application was filed before us on 3rd October, 1994.

2. Shri Achar for the applicants contends that as they belong to the Scheduled Caste category they are entitled to a further relaxation over and above what had already been granted to retrenched census employees. He refers in this connection to the OM of Ministry of Home Affairs dated 25.7.70, copy enclosed as at Annexure A-13 which says "that if sufficient number of Scheduled Caste/Tribe candidates are not available on the basis of the general standard to fill all the vacancies reserved for them, candidates belonging to these communities may be selected to fill up the remaining vacancies reserved for them provided they are not found unfit for such posts." Thus, to the extent the number of vacancies reserved for Scheduled Castes and Scheduled Tribes cannot be filled on the basis of the general standard, candidates belonging to these communities will, as at present, be taken by relaxed standard to make up the deficiency in the reserved quota." Shri Achar says that there were three posts reserved for Scheduled Caste category and these posts had not been filled up. Shri Achar also draws our attention to the circular letter of the Registrar General dated 1.2.94 as at Annexure A-2 which deals with special recruitment drive for SC & ST category in 1993 relaxing the general standard to 4500 key depressions per hour for SC & ST candidates for all the retrenched Census employees, restricting this relaxation only upto 31.3.94. Shri Achar submits that this relaxation should have been extended even to the candidates selected after 31.3.94. The learned counsel also mentions that the 1st applicant had missed the prescribed standard of 6000 key depressions by merely 50 key depressions.



3. We find that the applicants having submitted a representation in late August, 1994 had approached this Tribunal on 3.10.94 without waiting for a response from the Registrar General. Shri Achar submits that the applicants had earlier approached this Tribunal challenging the termination of the temporary appointment and when the same was <sup>6/2</sup> ~~immediately~~ dismissed, they filed the present application ~~months~~ thereafter. After hearing both sides we do not propose at present to go into the contentions raised by Shri Achar, but we deem it appropriate to direct the Registrar General to dispose of the representations filed by the applicants. If the applicants desire to make a more comprehensive representation to the Registrar General, they may do so within a week from today and the Registrar General will dispose of the representation taking into account all the relevant points within two months from the date of receipt of such representations.

5. With the above observation, the application is finally disposed of. No costs.

Sd/-

11/17-  
( A.N. VUJJANARADHYA )  
MEMBER (C)

TCV



Sd/-  
( V. RAMAKRISHNAN )  
MEMBER (A)

TRUE COPY

*13/3/95*  
Section Officer  
Central Administrative Tribunal  
Bangalore Bench  
Bangalore