

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH
JAIPUR.

O.A.No. 604/92 : Date of order : 4.2.93
Harish Chand Khemani : Applicant.
Mr.R.N.Mathur : Counsel for applicant.

Versus

Union of India & Ors. : Respondents.
Manish Bgandari : Counsel for respondents

CORAM:

Per Hon'ble Mr. Justice D.L.Mehta, Vice-Chairman
Per Hon'ble Mr.B.B.Mahajan, Administrative Member

PER HON'BLE MR.B.B.MAHAJAN, ADMINISTRATIVE MEMBER

Harish Chand Khemani, has filed this application under Sec.19 of the A.Ts Act for issue of direction to the respondents that he should be allowed to work on the post of Typist and should not be demoted on the ground of unsuitability.

2. Applicant was initially appointed in Class IV categories under the respondents on 8.4.81. He was promoted as Typist on ad hoc basis on 12.4.88. He qualified the typing test held in 1989. However, he was not promoted as Typist. He appeared in the Typing test held in the year 1991 but failed to qualify in that test. The applicant apprehended that he may be reverted from the post of Typist to give appointments to the candidates selected in the Typing test. The respondents have stated in the reply that although the applicant had qualified the typing test in the year 1989 he could not be promoted on a regular basis as number of vacancies available was 3 and the turn of applicant for promotion did not come in his seniority. The applicant had stated that the number of vacancies available for promotion was more.

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3. The controversy is about whether the vacancies in Rankers quota should be calculated at the rate of 25% or 33.1%. Respondents have admitted that it should be 33.1/3%. The respondents are directed to calculate the vacancies in Rankers quota at the ratio of 33.1/3% and if there was any mistake in the calculation and if any vacancy was available in the year 1989 the case of the applicant should be considered for promotion in 1989 in Rankers quota according to his seniority.

4. As far as the year 1991 is concerned, the applicant had failed in an admitted position. The vacancies should be determined and after giving appointment to the selected persons if any vacancy remains in Rankers quota after taking into consideration the fact that the quota for promotion is 33.1/3% then the applicant may be allowed to continue as typist on ad hoc basis in accordance with Judgment of Full Bench of the Tribunal in Jethanand Vs. U.O.I. in 1989 (2) SLJ (CAT) 657, and allowed at least one more chance to qualify in the test. However, if no vacancy remains in the Rankers quota as calculated on the basis of 33.1/3% of the total posts after giving appointment to the selected persons from the Rankers quota, the respondents shall be at liberty to revert the applicant. With these directions the O.A. is disposed of. Parties to bear their own costs.


(B.B. Mahajan)
Adm. Member


(D.L. Mehta)
Vice-Chairman