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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: AT HYDERABAD

O.A.No.838 OF 1995.

Date of Order:12-3-1998.

Between:

T.Satyanarayana Murthy.

.. Applicant

and

1. The Director, Central Research Institute for Dryland Agriculture, Santoshnagar, Hyderabad-500 059.
2. The Senior Administrative Officer, Central Research Institute for Dryland Agriculture, Santoshnagar, Hyderabad-500 059.
3. The Director General, Indian Council of Agricultural Research, Krishi Bhavan, New Delhi-110 001.

.. Respondents

COUNSEL FOR THE APPLICANT :: Mr.K.K.Chakravarthy

COUNSEL FOR THE RESPONDENTS:: Mr.N.R.Devaraj

CORAM:

THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN)

AND

THE HON'BLE SRI B.S.JAI PARAMESHWAR,(JUDICIAL) MEMBER

: O R D E R :

ORAL ORDER (PER HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN))

None for the Applicant and Mr.N.R.Devaraj for the Respondents.
As this O.A. was instituted in 1995, the case is disposed of Under Rule 15(1) of the CAT Procedure Rules,1987.

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2. The applicant in this O.A. is an OC community candidate working as Senior Clerk under Respondent no.2 in the scale of pay of Rs.1200-2040. His next promotion is to the higher post of Assistant in the scale of pay of Rs.1400-2300. It is stated that 66 2/3% vacancies in the said grade of Rs.1400-2300 are required to be filled up by promotion of Senior Clerks as per seniority subject to rejection of unfit, by non-selection method from those officials who have put in not less than three years regular service in the grade of Senior Clerk. The recruitment for 33 1/3rd% vacancies of Assistant are required to be filled up on the basis of the Limited Departmental Competitive Examination from among the Senior Clerks who have put in not less than two years' regular service in the grade of Senior Clerk. The promotion against the 66 2/3% had been completed by promoting Mr.V.Sagar Reddy and Mr.P.Vijaya Kumar in 1989 and 1990 respectively. Hence the present vacancy has fallen against 33 1/3% quota to be filled by the Limited Departmental Competitive Examination (LDCE) Quota. It is stated that the reservation was maintained in a combined manner both for promotion as well as promotion under LDCE quota.


3. This O.A. is filed praying for a direction to the Respondents 1 and 2 to immediately conduct the Limited Departmental Competitive Examination by calling the applications from eligible general candidates by carrying forward the reservation point by following Govt. of India instructions and to promote the qualified candidate to the post of Assistant from the date of arising the vacancy ie., 12/92. There are more than One post in this Organisation. The Hon'ble Supreme Court in SURESH CHANDRA Vs J.B.AGRawal, reported in SCC Vol.V 1997, Page 363 had held that the reservation is to be adhered to even if it is a lone the lower post under the Department. In view of the above, when two posts are filled up by the respondents to the cadre of Assistant

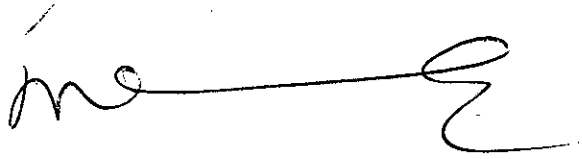
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naturally there must be some reservation in that cadre. Normally the second post is ^{the} filled by S.C. community candidate. However, we find that ^{both the and second} the first vacancy have been filled by O.C. candidate. Hence the third vacancy which has arisen has to be filled up by the S.C. candidate as there is already a backlog of one post ~~have~~ to be filled by S.C. community candidate. The question of carrying forward that vacancy earmarked for S.C. ^{can} ~~should~~ not arise if there are qualified eligible S.C. community candidates ~~available~~ for promotion. Only if the eligible qualified S.C. community candidate is not available then only the question of filling it up by O.C. community arises.

4. In view of the above, if the respondents want to fill the vacancy that has arisen due to promotion of Sri B. Gandhi to the higher grade then there is no ^{rule} ~~provision~~ prohibiting the respondents from filling up the post by a eligible and suitable reserved community candidate. As stated earlier, the question of carrying forward that reserved vacancy arises only if it cannot be filled up by a eligible and suitable reserved S.C. community candidate and that too can be done only after the ^{post is reserved} ~~O.C. is reserved~~ by the Department.

5. In light of what is stated above, we find no merit in the O.A. and the O.A. is dismissed. No costs.


(B.S. JAI PARAMESHWAR)
MEMBER (J)

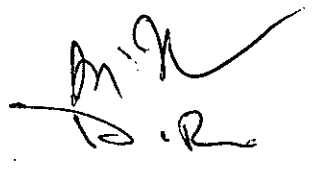

(R. RANGARAJAN)
MEMBER (A)

12.3.98

Dated: this the 12th day of March, 1998

Dictated in the Open Court

DSN



DA.838/95

Copy to :-

1. The Director, Central Research Institute for Dryland Agriculture, Santoshnagar, Hyderabad.
2. The Senior Administrative Officer, Central Research Institute for Dryland Agriculture, Santoshnagar, Hyderabad.
3. The Director General, Indian Council of Agricultural Research, Krishi Bhavan, New Delhi.
4. One copy to Mr. K.K.Chakravarthy, Advocate, CAT., Hyd.
5. One copy to Mr. N.R.Devaraj, Sr.CGSC., CAT., Hyd.
6. One copy to D.R.(A), CAT., Hyd.
7. One duplicate copy.

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. B. RANGARAJAN : M(A)

AND

THE HON'BLE MR. B. S. JAI PARAMESHWAR :
M(J)

DATED: 12/3/98

~~ORDER/JUDGMENT~~

~~M.A./R.A/C.A.NO.~~

in

O.A.NO. 838/95

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

YLKR

केन्द्रीय प्रशासनिक अदालत
Central Administrative Tribunal
भेषण/DESPATCH
24 MAR 1998
हैदराबाद न्यायपीठ
HYDERABAD BENCH