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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: AT
HYDERABAD

O.A.No.1234 OF 1995.

Date of Order: 2-3-1998.

Between:

G.Nagamani.

... Applicant

and

1. Union of India, rep. by its Secretary,
Atomic Energy, Bombay.

2. Chief Executive, Nuclear Fuel Complex,
Hyderabad.

3. Secretary, Ministry of Personnel and
public Grievances, New Delhi.

.. Respondents

COUNSEL FOR APPLICANT :: Mr.P.B.Vijay Kumar

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

CORAM:

THE HON'BLE SRI A.V.HARIDASAN, VICE CHAIRMAN

AND

THE HON'BLE SRI H.RAJENDRA PRASAD, MEMBER (ADMN)

: ORDER :

ORAL ORDER (PER HON'BLE SRI A.V.HARIDASAN, VICE CHAIRMAN)

Heard Mr.P.B.Vijay Kumar, learned Counsel for the Applicant and Mr.N.R.Devaraj for the Respondents.

2. The applicant, a member of the Scheduled Caste while working as a Senior Stenographer on regular basis with effect from July, 1991 was promoted on adhoc basis as a Senior PA in the scale of Rs.2000-3200/- in July, 1994 for a period of one month but the adhoc promotion continued for seven months. There were nine vacancies of Senior PA.

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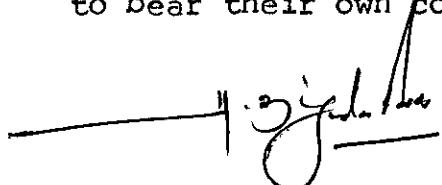
When senior stenographers who were senior to the applicant this approached ~~the~~ Tribunal challenging the applicant's adhoc promotion and claiming their promotion on regular basis, the respondents promoted all of them filling up all the 9 vacancies on regular basis terminating the adhoc promotion of the applicant. The grievance of the applicant is that while she who belongs to SC community is entitled to be promoted against the ~~roster~~ point reserved for Scheduled Caste, the action of the respondents in not maintaining atleast her adhoc promotion and filling up all the 9 posts by promoting Senior Stenographers belonging to general category is unjustified. When the applicant's adhoc promotion was not continued she represented on 22-8-1995 in reply to which the applicant by the Impugned Order dated: 9-9-1995 was told that the reserved vacancy has been de-reserved and the senior most candidates have been promoted. It is under these circumstances the applicant filed this application praying that the respondents may be directed to carry forward the ~~roster~~ point of Senior PA/Stenographer.Gr.I and continue the applicant either on adhoc or regular promotion by relaxing the qualifications, if necessary, and for a declaration that the action taken by the respondents with respect to roster point of SC in respect of the Senior PA/Stenographer.Gr.I as arbitrary, illegal, and unconstitutional.

2. The respondents in their reply statement have contended that the applicant did not satisfy the eligibility criteria for promotion as Senior PA and was promoted on adhoc basis fixing her pay under FR 35 pending steps taken for de-reservation of the vacancies that as sanctioned/ by the competent authority was obtained for de-reservation, the vacancies were all filled up by promoting candidates from general category who were seniors of the applicant by more than 15 years and that the roster point has been carried forward. As the action of the respondents is as per Rules and unexceptionable

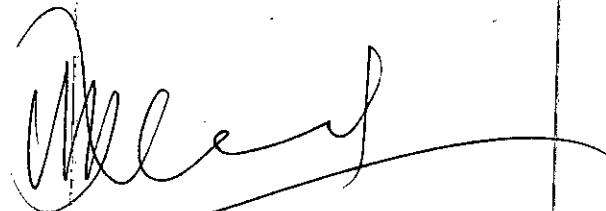
the O.A. may be dismissed contend the respondents.

3. On a careful scrutiny of the pleadings and on hearing of the learned Counsel for the parties, we are of the considered view that the action of the respondents in not continuing the adhoc promotion of the applicant and filling up the posts of Senior PA/ is perfectly in order. The contention of the applicant that while de-reserving the vacancies, the roster point had not been carried forward appears to be on a misapprehension because the respondents have clearly mentioned in their reply statement that on de-reservation the roster point has been carried forward. When a candidate in the feeder category belonging to the reserved community possessing the requisite qualification for promotion is not available in public interest, it is permissible to de-reserve the vacancies carrying forward the roster and to fill it by promotion of an official belonging to the general category. That is all what has happened in this case. As the applicant does not satisfy the eligibility criteria for promotion as Sr.P.A cannot have any legitimate grievance against this step. As and when she would acquire the eligibility for promotion, she would be considered for promotion against the carried forward vacancy in the next recruitment years.

4. In the light of what is stated above, we find no merit in this application and, therefore, we dismiss the same leaving the parties to bear their own costs.



(H. RAJENDRA PRASAD)
MEMBER (A)



(A.V. HARIDASAN)
VICE CHAIRMAN

Dated: this the 2nd March, 1998

Dictated in the Open Court



sk/DSN

O.A. 1234/95,

To

1. The Secretary, Atomic Energy, Union of India, Bombay.
2. The Chief Executive, NuclearFuel Complex, Hyderabad.
3. The Secretary, Ministry of Personnel and Public Grievances, New Delhi.
4. One copy to Mr.P.B.Vijayakumar, Advocate, CAT.Hyd.
5. One copy to Mr.N.R.Devraj, Sr.CGSC. CAT.Hyd.
6. One copy to DR(A) CAT.Hyd.
7. One spare copy.

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TYPED BY
COMPARED BY

I Court
CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE AV Haireesa
VICE-CHAIRMAN

AND

THE HON'BLE MR.H.RAJENDRA PRASAD:M(A)

DATED: 2-3-1998

ORDER/JUDGMENT:

M.A./R.A./C.A.No.

in
O.A.No. 1234/95

T.A.No.

Q.W.P

Admitted and Interim directions
Issued.

Allowed

Disposed of with direction

Dismissed.

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.

