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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH
JAIPUR.

DA.NO. 96/93 : Date of order :18.3.93

ALL INDIA FED. OF
SC/ST Backward & Minority: Applicant.

Mr.Chetan Bairwa : Counsel for the applicant

Vs.

U.O.I. & Ors. : Respondents.

Mr.Mahendra Shah : Counsel for Mr.S.K.Pareek

Mr. K.N.Shrimal : Counsel for respondents.

CORAM:

HON'BLE MR.JUSTICE D.L.MEHTA, VICE CHAIRMAN

HON'BLE MR. B.N.DHOUNDIAY, ADMINISTRATIVE MEMBER

PER HON'BLE MR.JUSTICE D.L.MEHTA, VICE CHAIRMAN

Heard the learned counsel for the parties.

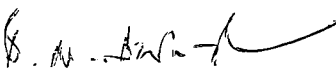
Mr.Chetan Bairwa, submits that the respondents are having frequent DPCs with ulterior motive of reducing the number of persons falling within the Zone of consideration particularly of the persons of SC/STs. Ordinarily according to Mr. Bairwa, 3 times or 5 times of the persons are considered with the eligibility zone and every time it is taken in breaks for few vacancies then eligibility zone is reduced because the persons selected ~~are~~ ^{do} come within the zone of consideration again ~~they~~ ^{by} the zone of consideration is reduced. Shri M.K.Shah, appearing on behalf of the respondent No.3 submits that the persons of the SC/STs have also been considered. Mr. Shrimai, takes the same stand. It is obligatory on the part of the respondents to consider for all posts ~~for~~ ^{for} falling vacant on account of resignation, voluntary retirement death, superannuation or on account of any error


Shri M.K.Shah

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or omission in the past, or any post which is also falling vacant for the time being due to deputation etc. The respondents have held the DPC and if any mistakes have been committed in that DPC, the applicant will have a right to challenge the result of the DPC on the ground that the number of posts which were vacant on the due date i.e. the date on which the DPC was called higher than the number of the persons considered within the eligibility zone. In such circumstances, he will have a right to challenge again.

We observe that no device should be adopted by the respondents to deprive the reservation of SCs/ STs. With this observation, the O.A. is disposed of. Parties to bear their own costs.


(B.N.DHOUNDIYAL)
Adm. Member


(D.L.MEHTA)
Vice Chairman

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