

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

J A I P U R.

O.A. No. 101/93

Date of decision: 15.9.94

M.R. MEENA

: Applicant.

VERSUS

UNION OF INDIA & ORS : Respondents.

Mr. R.N. Mathur : Counsel for the applicant.

Mr. Manish Bhandari : Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice D.L. Mehta, Vice-Chairman

Hon'ble Ms. Usha Sen, Administrative Member

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

Heard the learned counsel for the parties.

2. It is a settled law that the person who enters into higher grade earlier will be senior to the person who enters the higher grade at a later stage. As far as the reservation law is concerned, the law has to be strictly applied and promotion under reservation quota cannot be given exceeding 15% in the case of Scheduled Castes and 7½% in the case of Scheduled Tribes.

3. However, a person of a S.C. or S.T. is eligible for promotion in the general quota and reservation quota will not come in the way. In the general quota, if he fulfills the qualification of merit, then he can be appointed on the basis of merit alone and not on account reservation quota. The respondents have committed an error in not considering the case of the applicant along-with others in general quota. The respondents are directed to consider the case of the applicant in general list quota, if his name finds place in the seniority/and he can be given appointment ~~if he succeeds~~ in the merit quota.

4. Mr. Bhandari submits that so far no appointment has been given under the general quota and only a panel (Annexure A-1 dated 24.12.92) has been prepared. The

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applicant's candidature should be considered for the purpose of empanelling his name in the panel and for the purpose of promotion according to the rules.

5. The O.A. stands disposed of accordingly, with no order as to costs.

Usha Sen
(USHA SEN)
Administrative Member

D.L. Mehta
(D.L. MEHTA)
Vice-Chairman