

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

Date of decision: 15-11-1995

OA No. 292/93

Chandrapal and Sultan Singh

.. Applicants

VERSUS

Union of India and others

.. Respondents

CORAM:

HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR. O.P.SHARMA, MEMBER(ADMINISTRATIVE)

For the Applicants

.. Mr. D.K.Swami

For the Respondents

.. Mr. U.D.Sharma

ORDER

PER HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

Applicants Chandrapal and Sultan Singh in this application under section 19 of the Administrative Tribunals Act, 1985, has prayed for a direction to the respondents to follow the reservation and roster system and to consider them for promotion to the post of Junior Technical Assistants with effect from the date they become eligible for promotion as per reservation scheme and roster system.

2. The case of the applicants is that they were appointed as Surveyors after attaining the requisite qualification for such appointment and they have been working as Surveyors w.e.f. 29-10-76 and 4.5.83 respectively. Applicant Chandrapal has put in more than 17 years of service and applicant Sultan Singh has put in more than 10 years of service as claimed but even then they have not been promoted to the post of Junior Technical Assistant by following the reservation scheme and roster system. It has been stated by the applicant that after completing 3 years of continuous service as Surveyor, the Surveyor becomes entitled for promotion to the post of Junior Technical Assistant, and as such

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the action of the respondents in not granting promotions to the applicants by following the reservation and roster system has been assailed as being arbitrary, illegal and unreasonable.

3. On the other hand, the respondents have stated that in the year 1993, two vacancies had occurred in the posts of Junior Technical Assistants (Survey), out of which as per the roster point, one was to be filled from the general category and the other from the Scheduled Caste category. Applicant No.1 Chandrapal having been found fit by the D.P.C. for promotion against the reserved vacancy, has since been promoted and he has joined the post of Junior Technical Assistant (Survey) on 29-10-93 (AN). The grievance of applicant No.1 does not survive any longer. It is further stated that the case of applicant No.2 Sultan Singh shall also be considered for promotion to the post of Junior Technical Assistant as per the roster point, as and when the required number of vacancies arises taking into consideration his seniority position at serial number 14.

4. We have heard the learned counsel for the parties and carefully perused the records. So far as the applicant No.1 is concerned, he has been promoted against a reserved vacancy after having been adjudged suitable for promotion by the Departmental Promotion Committee and he has joined the post of Junior Technical Assistant (Survey) on 29-10-1993 and, therefore, his grievance now does not survive.

5. As far as applicant No.2 Sultan Singh is concerned, his position in the seniority list is at S.No.14 and he will also be considered for promotion as per the roster point, as and when his turn comes for consideration against the point reserved for Scheduled Caste candidate.

6. In the result, we direct the respondents to consider the case of applicant No.2 Sultan Singh for promotion to the post of Junior Technical Assistant as per the roster point, as and when a vacancy arises which can be offered to him as per his seniority position. The OA is disposed of accordingly with no order as to costs.

(O.P.Sharma)
Member(A)

Gopal Krishna
Vice-Chairman