

(11)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.4/97

Date of order: 16/2/2000

Nanu Ram, S/c Shri Mana Ram, R/o Plot No.64, Dadoh Nagar,
Bichun Road, Phulera, Distt.Jaipur, working as Carpenter
HSI, CWS, Phulera, Western Rly.

...Applicant.

Vs.

1. Union of India through General Manager, Western Rly, Churchgate, Mumbai.
2. The Divisional Railway Manager, W.Rly, Jaipur Divn.Jaipur.
3. Shri Ram Lal Herbans, Carpenter, C/o Carriage Foreman, W.Rly, Jaipur.

...Respondents.

Mr.P.P.Mathur) - Counsel for the applicant

Mr.R.N.Mathur)

Mr.U.D.Sharma - Counsel for respondents.

CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member

Hon'ble Mr.N.P.Nawani, Administrative Member.

PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER.

This Original Application has been filed under Sec.19 of the Administrative Tribunals Act, 1985, the applicant makes a prayer to direct the respondents to promote him on the post of MCF Carpenter in the scale Rs.1400-2300 on the basis of seniority treating the post of MCF Carpenter as a post reserved for Schedule Caste candidates.

2. Reply to this O.A was filed. The contention of the respondents has been that the post of MCF Carpenter was required to be filled-up on the basis of seniority after undergoing the suitability test and the applicant is junior-most, therefore, not eligible and entitled for considering his name for promotion to the said post. It is also stated that judgment of Hon'ble Supreme Court rendered in R.K.Sabrawal's case is not applicable in the instant case. It is also stated that there cannot be any reservation in a single post cadre, therefore, the applicant has no case and this O.A having no merits and liable to be dismissed.

3. Heard the learned counsel for the parties and also perused the whole record.

4. In a recent decision delivered in Post Graduate Institute of Medical Education and Research, Chandigarh Vs. Faculty Association & Ors, Hon'ble Supreme Court held that there cannot be any reservation in a single post cadre and we do not approve the reasoning in Madhav's case, Brij Lal Thakur's case and Bageswari Prasad's case upholding reservation in a single post cadre either

directly or by device of rotation of roster point. Accordingly, the impugned decision in the case of Post Graduate Institute of Medical Education Research cannot also be sustained. The review petition made in Civil Appeal No.3175 of 1997 in the case of Post Graduate Institute of Medical Education Research, Chandigarh, is, therefore, allowed and the judgment dated 2.5.97 in Civil Appeal No.3175 of 1997 is set aside.

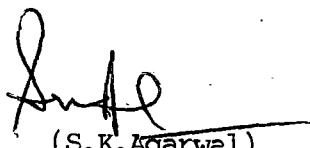
5. In view of the decision of Apex Court consisting of five Judges Bench in Review Petition (Civil) No.1749 of 1997 in Civil Appeal No.3175 of 1997 decided on 17.4.98, the prayer of the applicant is not sustainable in law. Therefore, we have no alternative except to dismiss this O.A.

6. We, therefore, dismiss this O.A having no merits. No order as to costs.



(N.P. Nawani)

Member (A).



(S.K. Agarwal)

Member (J).