

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH
CIRCUIT AT INDORE
O.A. NO. 631/1998

This the 2nd day of September, 2003.

HON'BLE SHRI V. K. MAJOTRA, MEMBER (A)

HON'BLE SHRI J. K. KAUSHIK, MEMBER (J)

Parivesh Jinwal S/O Bhuralal Jinwal,
Stenographer Grade-III,
Centre for Advanced Technology, Indore.
R/O B-16, C.A.T. Colony,
Indore 452013 (MP).

... Applicant

(By Shri C. B. Patne, Advocate)

-versus-

1. Union of India through
Secretary to Government of India,
Ministry of Atomic Energy,
Anushakti Bhawan, C.X.M. Marg,
Mumbai-400039.
2. Director, Centre for Advanced
Technology, Govt. of India,
Department of Atomic Energy,
C.A.T. Premises, Indore.
3. Chief Administrative & Accounts
Officer, Centre for Advanced Technology,
C.A.T. Premises, Indore.
4. Administrative Officer-II,
Recruitment Section,
Centre for Advanced Technology,
C.A.T. Premises, Indore.
5. Shri J. Suryanarayan,
Stenographer Grade-II,
Centre for Advanced Technology,
CAT Premises, Indore.

... Respondents

(By Shri Sajid Akhtar for Shri B. Dasilva, Advocate)

O R D E R (ORAL)

Hon'ble Shri V.K. Majotra, Member (A) :

Applicant has challenged Annexure A-13 dated 26.2.1998 whereby respondent No. 5 Shri J. Suryanarayana, a permanent Stenographer of the Centre for Advanced Technology, Indore, was appointed to officiate as Stenographer Grade-II in the scale of pay of Rs.5500-

150-9000 w.e.f. 25.2.1998 in a temporary capacity. Shri Suryanarayana was to be on probation for a period of one year.

2. According to applicant, not only that applicant was eligible for promotion to the post of Stenographer Grade-II, he was also senior to respondent No.5 and also that he is a member of Scheduled Caste and as such while Annexure A-13 should be quashed applicant should be considered for appointment/promotion to the post of Stenographer Grade-II against the reserved vacancy with retrospective effect from 1.2.1996, with all consequential benefits. It has been alleged that representations made by applicant to respondents have remained unactioned.

3. On the other hand, respondents have maintained that applicant was initially appointed against open advertisement as Stenographer Grade-III in the scale of Rs.1200-2040 w.e.f. 16.8.1990 against a post reserved for SC. As he did not qualify in the stenography test even with the relaxed standard, as a special consideration being an SC candidate, his initial appointment was made on a trial basis for a period of six months subject to passing the stenography test. He was granted extensions on the post from time to time. Finally he qualified the stenography test with relaxed standard on 1.11.1991 and could be appointed on regular basis from 1.11.1991. One vacancy of Senior Stenographer in scale Rs.1640-2900 from 1.2.1996 occurred which was required to be filled from Stenographers Grade-III based on limited departmental examination quota. Then the post was meant for SC candidate. As the Centre had limited cadre of

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Stenographers Grade-III, a common written examination for both general and SC/ST candidates was conducted. Applicant also appeared in the examination. He was assessed with the relaxed standards as applicable to SC/ST candidates. However, he was not successful in the written examination in order to be eligible for appearing in the stenography test. As no SC candidate was successful in the written examination, a proposal was made for de-reservation of the reserved vacancy. Pending approval of de-reservation, an ad hoc appointment was resorted to through the empanelled general candidate. It was found that as per instructions even ad hoc appointment could not be provided to a general candidate. The ad hoc appointment made in favour of the general candidate was discontinued forthwith. In the meanwhile, Department of Personnel & Training issued instructions dated 2.7.1997 replacing the vacancy-based roster by post-based roster w.e.f. 2.7.1997. On re-casting the roster, the said reserved post became unreserved. Consequently, a general candidate who had been empanelled was appointed on regular basis. The proposal for de-reservation of the reserved vacancy was withdrawn. The learned counsel of respondents stated that there is no illegality or arbitrariness in promotion of respondent No.5 to the post of Stenographer Grade-II. He further pointed out that while applicant had appeared in the examination for promotion to Stenographer Grade-II, as against passing standard of 45% in each paper stipulated for general candidates, applicant was required to obtain 35% marks in each paper by relaxed standard. The learned counsel stated that in view of the re-casting of the roster from vacancy-based to post-based as also failure

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of applicant to obtain 35% marks in each paper even by relaxed standard, applicant's claim is not tenable.

4. We have considered the rival contentions. While no seniority list has been filed to establish that applicant was senior to respondent No.5, applicant had made a representation to the Chief Administrative and Accounts Officer on 25.6.1997 (Annexure A-9) preferring his claim for the post of Senior Stenographer which had fallen vacant w.e.f. 1.2.1996 contending that the same was reserved for SC. Respondents responded by Annexure A-10 dated 1.8.1997 as follows :

"Shri Parivesh Jinwal, Steno Gr.III may refer to his letter dated 25.6.97 and subsequent reminders regarding filling up the post of Stenographer Gr.II.

As Shri Jinwal is very well aware in order to fill the vacant post, a written examination open to both SC/ST and General candidates was conducted on 29.10.96, wherein he had also participated. It is true that the post is reserved for SC candidate. However, in spite of evaluating Shri Jinwal with relaxed standards, he could not secure the requisite minimum marks in the written examination. In view of the above one of the two successful general candidates has been appointed on adhoc basis pending approval of the competent authority for de-reservation of the SC point."

It is found that Annexure A-10 dated 1.8.1997 has not been challenged by applicant. Contentions raised in paragraphs 21 and 24 of the counter reply relating to failure of applicant to obtain even 35% marks in each paper by relaxed standard and re-casting of roster in terms of DOP&T O.M. dated 2.7.1997 rendering reserved vacancy as unreserved, have not been rebutted on behalf of applicant by way of rejoinder.

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5. Considering the discussion made and reasons stated above, in our view, applicant has not been able to establish his claims. This O.A. must fail, therefore. Consequently, the same is dismissed, but without any order as to costs.

J. K. Kaushik
(J. K. Kaushik)
Member (J)

V. K. Majotra
(V. K. Majotra)
Member (A)

/as/

पृष्ठांकन सं ओ/व्या.....जबलपुर, दि.....
पतितिलिपि अच्ये लितः—

- (1) साहित, राज्य वायानन्द वार एसोरिएशन, जबलपुर
- (2) अमेरिकी ली/सी/एस/कु.....के काउंसल
- (3) प्रधानी की/सी/एस/कु.....के काउंसल
- (4) दंगालत, लोग्न, अदलपुर व्यापारी

सूचना एवं आवश्यक काखेन्दी हेतु

*Issued
m/s
17/9/03*

*C.B. Patre, Adl. Jndra
B. Dasgupta, ADC MP.
T. K. Patra, ADC MP.*

12/9/03