

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR  
ORDER SHEET

10

APPLICATION NO.: \_\_\_\_\_

Applicant (S)

Respondent (S)

Advocate for Applicant (S)

Advocate for Respondent (S)

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

**25.10.2010**

OA No. 204/2009 with MA 143/2009

Mr. Amit Mathur, Counsel for applicant.  
Mr. D.C. Sharma, Counsel for respondents.

Let the matter be listed on 26.10.2010.

(ANIL KUMAR)  
MEMBER (A)

(M.L. CHAUHAN)  
MEMBER (J)

AHQ

25-10-2010

OA 204/09 with MA 143/09

Mr. Amit Mathur, Counsel for applicant  
Mr. D.C. Sharma, Counsel for respondents

Heard learned Counsel for the parties.  
by OA disposed of having become infructu-  
~~ous~~ ~~Result~~.

Anil Kumar  
(Anil Kumar)  
M(A)

(M.L. Chauhan)  
M(J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH

Jaipur, this the <sup>17</sup>/<sub>26</sub> day of October, 2010

**ORIGINAL APPLICATION NO. 204/2009**

**With**

**MISC. APPLICATION NO. 143/2009**

**CORAM**

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER  
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

Kishor Agnani son of Shri C.P. Agnani, aged around 38 years, resident of 6, Secretariat Colony, Tonk Phatak, Jaipur. Presently working as Data Entry Operator, Central Provident Fund Commissioner, Jaipur.

.....Applicant

(By Advocate: Mr. Amit Mathur)

VERSUS

1. Union of India through Central Provident Fund Commissioner, Bhavishya Nidhi Bhawan, 14-Bikaji Kama Palace, New Delhi.
2. The Regional Provident Fund Commissioner (I), Office of the Regional Provident Fund Commissioner, Rajasthan, Jaipur.
3. Subhash Meena, presently working as Data Entry Operator, Office of the Regional Provident Fund Commissioner, Rajasthan, Jaipur.

.....Respondents

(By Advocate: Mr. D.C. Sharma)

**ORDER** (oral)

The applicant has filed this OA thereby praying for the following reliefs:-

- "(i) The respondents may be directed to treat the posting on the post of Data Entry Operator and within that as up-gradation and declare all the order and office memorandum issued in this regard which treat it as promotion, null and void. After treating the same as up-gradation give posting to the applicant there without applying the reservation there.



- (ii) Or; in the alternate roster point number 8, which has been treated as reserved for the ST candidates may kindly be treated as point for unreserved category and allowed the applicant posting in Grade C.
- (iii) The order dated 02.01.2007 by which the respondent number 3 was promoted and which was subsequently modified on time to time may kindly be set aside or modified to the extent that instead of respondent no. 3, the applicant may be promoted on Grade C Data Entry Operator.
- (iv) The applicant may be assigned all other benefits including subsequent promotion as per that.
- (v) Any other appropriate relief, which this Hon'ble Tribunal may feel proper in the facts and circumstances of this case, may kindly be allowed."

2, As can be seen from the prayer clause, the grievance of the applicant was that reservation does not apply while granting promotion on the post of Data Entry Operator on account of upgradation whereas the Date Entry Operator is required to be filled in by upgradation. In the alternative, the case of the applicant was that respondents have wrongly treated Point No. 8 as reserved for SC category whereas in terms of 13 point Roster, the said post is required to be filled from General Category.

3. During the pendency of the OA, the respondents have passed an order dated 07.10.2009 (Annexure R/8) whereby the matter was examined and it was found that Point No. 8 is meant for General Category. In the said order, it has also been mentioned that a review DPC will be convened and the Hon'ble CAT, Jaipur Bench be informed accordingly.



4. Thus in view of this subsequent development, the present OA does not survive, which is accordingly disposed of with no order as to costs.

5. In view of the order passed in the OA, no order is required to be passed in MA No. 143/2009, which is also disposed of accordingly.

*Anil Kumar*

(ANIL KUMAR)  
MEMBER (A)

*M.L. Chauhan*

(M.L. CHAUHAN)  
MEMBER (J)

AHQ