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**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH, CHANDIGARH.**

27.O.A. No.060/00667/2014 & MA 060/00418/2015

BALWINDER PAL

.....**APPLICANT**

VERSUS

UNION OF INDIA & ORS.

.....**RESPONDENTS**

19.10.2015

Present: Dr. G.K. S. Taank, counsel for the applicant in OA & MA
Sh. A.L. Vohra, counsel for respondents no.1 to 3
Sh. Rohit Sharma, counsel for respondent no.5

1. Dr. G.K.S. Taank, learned counsel for the applicant stated that before the OA was taken up for decision MA No.060/00418/2015 should be decided.
2. Through this MA, directions have been sought to the official respondents to place on record an authenticated copy of the roster of the reservation in posts for SC /ST / OBC / PH etc for Group 'C' and 'D' employees for the year 1985 followed in the C.A.T. Chandigarh Bench as well as All India level.
3. In reply to the MA, the respondents have stated as follows:-
 - "3. That the cadre of Lower Division Clerk belongs to Group 'C'. Earlier the Group 'C' posts in Central Administrative Tribunal were maintained on decentralized / Bench-wise basis and promotions to the grade to LDC were being made from Group 'D' employees on the basis of Bench-wise seniority list. As per policy decision in the year 2000, maintenance of Centralized seniority list on All India basis was started except Group 'D' staff.
 4. That as regards Chandigarh Bench before Centralization only 05 (five) Group 'D' employees were promoted as Clerk:-

Sr No.	Name of the Employee	Date of Promotion
1.	Shri Ram Krishan	31.07.1997
2.	Shri Ashok Kumar	31.07.1997
3.	Shri Dhirender Singh	26.11.1997

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4.	Shri Kapoor Chand	06.01.1998
5.	Shri Dabal Singh	08.11.2001

According to Model Roster for Cadre Strength upto 13 posts in promotion, only 07th post goes to SC category. Promotions being less than seven, the roster was not prepared. It may be submitted that out of 05 promotions, the employees at sl.no.1, 2 and 4 were promoted against Departmental Qualifying Examination quota and remaining two on seniority-cum-fitness basis.

5.

6. That reservation roster for LDC, is being maintained on Centralized basis. A copy of roster was supplied to this Bench with copy to the applicant on 10.04.2015 during hearing of the case. Copy of the same is again produced as Annexure R-5. According to that roster, as many as 95 Group 'D' have already been promoted against 5% seniority quota during the period from 25.11.1994 to 06.06.2012, which include 14 SC employees promoted against reserved vacancies.

7. That the applicant has failed to appreciate that all promotions are being made strictly as per reservation roster. There are number of employees in the feeder cadre who also aspire for the post of LDC and as and when occasion arises, the deserving candidates based on their seniority position and overall record would be considered for promotion as per rules."

4. Learned counsel for the applicant stressed that as per reply to the MA, the respondents had only produced the roster in respect of LDCs from 1995 onwards while he wanted that the roster for Group 'D' employees should also be produced from 1985 onwards so that the applicant was able to know his position regarding his claim for promotion as LDC.

5. Learned counsel for respondents no.1 to 3 reiterated the content of the reply to the MA.

6. We have carefully considered the matter. The applicant has only joined service as Group 'D' employee in 1992 and he has filed this OA seeking promotion as LDC. It is the All India seniority list of Group 'D' employees

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that would be relevant for promotion to the Group 'C' cadres rather than any other record. Hence, in our view, the roster for appointment of Group 'D' employees is not material to the adjudication of this OA.

7. It has also been clarified in the MA that as per decision in 2000, maintenance of Centralized Seniority List on All India basis was started, except for Group 'D' posts. For the C.A.T. Chandigarh Bench, it is stated that roster for LDC posts was not being prepared. The respondents can only produce the record that is actually available with them and nothing beyond that. Hence, the demand of the applicant that roster of reservation for Group 'C' and 'D' employees be produced from the year 1985 onwards for C.A.T. Chandigarh Bench as well as All India level is not feasible. MA No.060/00418/2015 stands disposed of accordingly.

8. List on 18th Nov. for arguments.

(DR. BRAHM A. AGRAWAL)
MEMBER (J)

(RAJWANT SANDHU)
MEMBER (A)

'sv' Order issued to
Counsel for the both
the parties on 20/10/15.

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DHIRENDRA SINGH