

CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH, CHANDIGARH

12. OA No. 060/01147/2014 & MA 060/00121/2015

(K. Ramesh Babu & Anr. Vs. U.O.I)

20.02.2015

Present: Sh. Rohit Seth, counsel for the applicant.
Sh. Sanjay Goyal, counsel for respondent no. 1 to 3.
Sh. B.B. Sharma, counsel for respondent no. 4.

1. This matter is cognizable by a Division Bench which is not available today. However, with the consent of the parties, it has been taken up for consideration, more so when learned counsel for the applicant presses for interim relief.
2. Heard.
3. The matter came up for preliminary hearing on 23.12.2014, when notice of motion was issued and it was adjourned for hearing on 03.02.2015.
4. On 03.02.2015, Sh. Rohit Seth, learned counsel for the applicant submitted that the respondents are going to promote the candidate from the reserved category to the post of Executive Engineer against the vacancies for the years 2012-2013 to 2015-2016, over and above their quota. He was allowed to serve the respondents through Dasti process for the next date of hearing i.e. 06.02.2015.
5. On 06.02.2015, Ms. Jyoti Chaudhary, Advocate and Sh. B.B. Sharma, Advocate put in appearance on behalf of respondent no. 1 to 3 and respondent no. 4, respectively and sought time to file reply and the case was adjourned for 16.02.2015.
6. On 16.02.2015, Ms. Jyoti Chaudhary, counsel for respondents no. 1 to 3 made a statement at the bar that *'the authorities are*

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not going to promote SC/ST over and above their quota' and again time was sought to file reply. The following order was passed on that day:-

"1. Sh. Sanjay Goyal, Advocate puts in appearance on behalf of respondents no. 1 to 3. Based upon a communication dated 13.02.2015 issued by Major R.K. Pallah, Chief Engineer, he submitted that he has been instructed to appear in this matter.

2. He seeks time to file reply in the matter.

3. Sh. B.B. Sharma, learned counsel for respondent no. 4 submitted that UPSC has already requested the concerned authorities to defend their case.

4. On 06.02.2015, Ms. Jyoti Choudhary, earlier counsel for respondents no. 1 to 3 made a statement at the bar that the authorities are not going to promote SC/ST over and above their quota.

5. Sh. Sanjay Goyal, learned counsel for respondents no. 1 to 3 seeks and is granted two day's time to have the instruction to the above effect.
List on 20.02.2015."

7. Today, Sh. Sanjay Goyal, learned counsel for respondents no. 1 to 3 seeks permission to file reply in the court. The same is taken on record. Copy, thereof, has been handed over to the counsel opposite. He submitted that as per para 4(d) of the reply, the authorities have only recalculated the vacancy position in the reserved category but there is no move on the part of the respondents to fill up the said posts/vacancies, as the same have been worked out only to find out the vacancy position.

8. Considering his statement that the authorities are not going to promote SC/ST candidates over and above their quota, there is no need to grant stay at this stage as it is expected that the

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respondents will abide by their statement, which stands recorded herein. The petitioner is at liberty to move an application for grant of stay, if the respondents back out from their statement.

9. As prayed, list on 17.03.2015.

10. **Dasti.**


(SANJEEV KAUSHIK)
MEMBER (J)

- 'jk' Dasti order
- supplied to counsel
 - for the both the parties.
- w/ set Rules 1-3
placed on record.
Repaired not filed.
Service report of
but. respondents not
filed.


11/3

CHANDIGARH