

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.1674/2018

Dated Friday, the 21st day of December, 2018

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

&

Hon'ble Mr.P.Madhavan, Judicial Member

K.Vagheesan @ Keerthi Sagar,
S/o Kutralalingam, No.24, Second Cross,
Paventhar Nagar, Moolakulam,
Puducherry.

...Applicant

By Advocate M/s V.Ajayakumar

Vs.

Union of India, rep., by the
Government of Puducherry,
through the Secretary to Government
for Department of Personnel &
Administrative Reforms,
Chief Secretariat, Puducherry.

...Respondent

(Order: Pronounced by Hon'ble Mr.R.Ramanujam, Member(A))

Heard. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

“(a)To direct the respondent to appoint the applicant on the basis of the selection conducted by the respondent to the post of Upper Division Clerk/Senior Clerk and to pass such other or further orders in the interest of justice and thus render justice.”

2. Learned counsel for the applicant would submit that the applicant appeared in the selection for the post of Upper Division Clerk in pursuance of a notification dated 11.08.2015 and was placed at Sl.No.72 in Annexure-II reserved list under the UR category although the applicant belonged to the OBC category. A separate reserved list for OBC was also published of 19 candidates who had all secured higher marks than the applicant in the selection.

3. The grievance of the applicant is that when persons selected under the main list had not joined, the respondents operated the reserved list and allegedly granted appointment to all the 19 candidates in the reserved OBC list. It is submitted that the persons granted appointment from the reserved OBC list had also been included in the reserved list of the UR category above the applicant and could have been accommodated under the UR quota. If this had been done, the OBC vacancies would have then been operated in favour of the likes of the applicant and he

would have been appointed. The applicant accordingly submitted Annexure A-7 representation dated 16.07.2018 to the competent authority requesting for appointment. The applicant would be satisfied if the competent authority is directed to consider the representation and take an appropriate decision.

4. At this stage, there is no *prima facie* evidence that the lists were operated in a manner violative of the rules/guidelines governing reservation. However, keeping in view the limited prayer and without going into the substantive merits of the claim as made by the applicant, we deem it appropriate to direct the competent authority to consider Annexure A-7 representation of the applicant dated 16.07.2018 in accordance with law and pass an appropriate order within a period of three months from the date of receipt of a copy of this order.

5. OA is disposed of as above.

**(P.MADHAVAN)
MEMBER(J)**

21.12.2018

M.T.

**(R.RAMANUJAM)
MEMBER (A)**