

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH**  
**CIRCUIT SITTING : BILASPUR**

**Transferred Application No.203/00005/2015**

(Arising out of WP No.3527/2003)

Bilaspur, this Tuesday, the 08<sup>th</sup> day of January, 2019

**HON'BLE MR. NAVIN TANDON, ADMINISTRATIVE MEMBER**  
**HON'BLE MR. RAMESH SINGH THAKUR, JUDICIAL MEMBER**

Kandu Ram Xess, S/o Shri Chhotiya, aged about 38 years,  
P.No. 155100, Department : - T&D Organization, Senior Loco  
Operator/OCI S7, Section : Loco Operation Bhilai Steel Plant,  
SAIL Bhilai Nagar, Tah. & Distt. Durg (CG) **-Applicant**

**(By Advocate – Shri V.G. Tamaskar)**

**V e r s u s**

1. Steel Authority of India Limited through Managing Director,  
Bhilai Steel Plant, Steel Authority of India Limited, Ispat  
Bhawan, Bhilai Nagar, Tah. & Distt. Durg (CG).

2. Chief Personnel Manager (I.R.), Scheduled Caste &  
Scheduled Tribe Liaisoning Cell, Bhilai Steel Plant, Steel  
Authority of India Ltd., Ispat Bhawan, Bhilai Nagar, Tah. &  
Distt. Durg (C.G.) **-Respondents**

**(By Advocate – Shri Ashish Surana)**

**ORDER (O R A L)**

**By Navin Tandon, AM.**

This petition was earlier filed in Hon'ble High Court of Chhattisgarh at Bilaspur as Writ Petition No.3527/2003 and was transferred to this Tribunal vide order dated 12.03.2015 of Hon'ble High Court of Chhattisgarh and has been registered as TA 203/00005/2015.

2. The applicant is working as Senior Loco Operator/T&D Organisation of the respondent department. He is aggrieved by the fact that Circular No.01 dated 10.01.2003 (Annexure P-3) for the post of Senior Yard Master has been issued without any reservation for Scheduled Tribes, the category to which the applicant belongs.

3. He has, therefore, sought for the following reliefs:

**7. Relief sought :**

(I) That the Hon'ble Court be pleased to direct the respondents to fill up the vacancy of Senior Yard Master meant for Scheduled Tribe, as 100 point-roaster, by promoting petitioner w.e.f. 29/9/2003 by issuing a writ of mandamus.

(II) that the Hon'ble Court be further pleased to direct the respondents to give all consequential benefits, such as seniority, back wages etc. to the petitioner w.e.f. 24/9/2003 by issuing yet another writ of mandamus.

(III) That the Hon'ble Court be further pleased to issue any other writ or writs order or orders, direction or directions, deemed fit in the interest of justice.”

4. The respondents have filed their reply. Para 5.3 of their reply reads as under:

“5.3 That, the averments made in this para are denied being not stated correctly. It is submitted that as it evident from the circular dated 10.1.2003 annexed with the petition as Annexure P-3 that the applicants were invited from the regular employees working in the T&D Organisation of the

Bhilai Steel Plant for preparing a panel for the post of Senior Yard Master in cluster 'C' (S-6 grade to S-8 grade). Only Sr. Shunting Master, Sr. Commercial Inspector and Sr. Loco Operator working in the Cluster 'C' in the T&D Organisation were eligible to apply for the said post. Thus, it is not a case of Promotion from lower grade to higher. It is a case of preparing panel for posting on parallel grade in the same cluster redesignating the selected candidate as Sr. Yard Master in the Cluster 'C' (S-6 to S-8). It will not be out of place to mention here that in cluster 'C' there is three different grade which are S-6, S-7 and S-8. In other words, it is a case of transfer by way of selection on parallel grade in cluster 'C' by redesignating as Sr. Yard Master. Therefore, the reservation existing prior to the circular is not effected. As it is evident from the Annexure P-4 annexed with the petition, 16 persons have been selected and redesignated as Sr. Yard Master and posted in different section as mentioned therein. It is humbly submitted that neither it is a case of appointment nor promotion in the higher grade as suggested by the petitioner. It is a pure case of redesignation as Sr. Yard Master on parallel grade by way of selection.

It is further submitted that in the interview the petitioner did not qualify for selection, even with relaxed standards and hence he was not considered for redesignation and posting as Sr. Yard Master.”

**5.** Learned counsel for the respondents submits that since it is not a case of appointment or promotion, therefore, the directives for reservation for Schedules Castes and Scheduled Tribes are not attracted in the present case.

**6.** We have considered the issue and find that it is not a case of promotion from lower to higher grade. It is a case of preparing panel for posting on parallel grade. Therefore, there is

no question for providing reservation to the SC/ST, as has been alleged by the applicant.

7. Accordingly, we find no merits in this case. Hence, the TA is dismissed being devoid of merits. No costs.

**(Ramesh Singh Thakur)**  
**Judicial Member**

**(Navin Tandon)**  
**Administrative Member**

am/-