



CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
(CIRCUIT AT PORT BLAIR)

O.A No. 351/01679/2018
MA 351/834/2018

Date of Order: 14.6.19.

Present: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Mr. N. Neihial, Administrative Member

Kamal Naik & 12 Ors. ---Applicants

Versus

Forests ----Respondents

For the Applicants: Ms. A.Nag, Counsel

For the Respondents: Mr. S.K. Mandal, Counsel

ORDER

Per: Ms. Bidisha Banerjee, Member (J):

Heard Ld. Counsels for both the parties.

2. M.A.No. 834/2018 filed by the applicants to prosecute this case jointly is allowed and accordingly disposed of.

3. The authorities published Employment Notice on 16.10.2013 notifying the vacancies of 75 (39 General, 27 OBC and 9 ST) of Mazdoor, with a stipulation "may vary". The applicants being eligible for consideration against the said notification, they were selected and secured positions within first 39 and, therefore, eligible to be appointed as Mazdoor. However, on 17.10.2018 a notice was published of the candidates selected for the post of regular Mazdoor, which showed that only 17 General castes and 46 OBCs were enlisted for appointment,

which was contrary to the notification dated 16.10.2013 where the notified vacancies for OBC were 27 and for General castes it was 39. Applicants, therefore, have alleged illegality in their non-inclusion in the final select list despite having secured position within first 39 against General caste quota and have challenged arbitrary and whimsical reduction of quota meant for General caste.

4. Respondents have attempted to justify their action by submitting that a merit list of 65 candidates was prepared by following the reservation roster in line of the decision of Hon'ble Apex Court in R.K.Sabarwal case and it was clearly notified in the notification that number of vacancies may vary. When the percentages were worked out, it came to 46 OBC and 19 UR and, accordingly, 19 candidates were enlisted for appointment against General Caste quota.

5. Ld. Counsel for the applicant would further invite our attention to the fact that the sanctioned posts of Mazdoor in A&N Island is 2454 and in Diglipur itself it is 229, out of which 75 were vacant but the Respondents without reallocation of vacancies in each divisions, of which Diglipur was one, when the total sanctioned posts were 2454, have sought to vary and reduce the number of vacancies under General caste category, which is bad. The vacancy being not yet filled up, the applicants have sought for stay of filling up of the reserved category vacancies in excess of notified vacancies.

6. Since, it is evident that the notification was floated for 39 General caste vacancies and the applicant stood selected within the first 39 under the General caste quota but select list has been published with a

wide variation in vacancy figures and drastic reduction in General caste quota, the balance of convenience/inconvenience is heavily tilted in their favour. Therefore, we restrain the Respondents from filling up the vacancies notified in 2013 for which select list was published on 17.10.2018 under Annexure-A/6. The Respondents shall furnish a report in regard to total number of sanctioned post of Mazdoor in A&N and allocation and re-allocation of posts in each division on the basis of which revised figures have been worked out on the next date.

7. List the matter before the next circuit sitting.

(N. Neihzial)
Administrative Member

(B. Banerjee)
Judicial Member

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