

CASE NO.:
Appeal (civil) 6559 of 2002

PETITIONER:
K. JAYASEKHAR

RESPONDENT:
SECY. TO GOVT. AGRIC. & COOP. DEPTT. & ANR.

DATE OF JUDGMENT: 01/05/2008

BENCH:
H.K. SEMA & MARKANDEY KATJU

JUDGMENT:
JUDGMENT
O R D E R

CIVIL APPEAL NO. 6559 OF 2002

Application for intervention is dismissed.

Heard the parties.

Briefly stated the facts are as follows:

The appellant belongs to Scheduled Castes. He was appointed as an Engineering Supervisor in the Agricultural Market Committee. The service condition of the respondent was then governed by the Andhra Pradesh (Agricultural Produce and livestock) Market Service Rules 1969. On 23.9.1994 the respondent was transferred to the Central Market Fund Service. Central Market Fund Service was governed by the Service Rules of 1984. Clause 3 of Rule 6 inter alia states that the provisions of Andhra Pradesh State and Subordinate Service Rules, Andhra Ministerial Service Rules on matter not covered by these rules shall be applicable to the members of the service. Rule 22 of the General Rules, provides for reservation. Rule 22(a) provides that the unit of appointment for the purpose of this rule shall be one hundred of which fifteen shall be reserved for the Scheduled Castes, six shall be reserved for the Scheduled Tribes, twenty-five shall be reserved for the backward classes and the remaining fifty-four appointments shall be on the basis of open competition.

-2-

It is urged by the learned counsel for the appellant that the Division Bench of the High Court has allowed the writ petition by upsetting the findings of the Tribunal erroneously.

We have considered the provisions of Rule 6 which deals with application of the general Rules. It is contended that Rule 6 should be considered in perspective along with Rule 22 of the general Rules. The appellant belonged to Scheduled Castes and hence it is alleged that he is entitled to be considered from the 15% reservation as contained in Rule 22(a) of the Rules.

We have gone through the entire judgment of the High Court impugned herein. The question of application of Rule 6 read with Rule 22 of the general Rules has not been considered by the High Court. On this short question we set aside the impugned order of the High Court and the matter is remanded to the High Court to consider the application of Rule 6

of the Central Service Rules along with Rule 22(a) of the general Rules as referred to above. Since the matter is quite old we request the High Court to consider the matter afresh expeditiously and pass appropriate orders in accordance with law.

The Appeal is disposed of accordingly.

JUDIS