

PETITIONER:
DHANNA RAM

Vs.

RESPONDENT:
UNION OF INDIA & ORS.

DATE OF JUDGMENT: 18/04/1996

BENCH:
RAMASWAMY, K.
BENCH:
RAMASWAMY, K.
G.B. PATTANAIK (J)

CITATION:
JT 1996 (5) 70 1996 SCALE (4)228

ACT:

HEADNOTE:

JUDGMENT:

O R D E R

Leave granted. Heard learned counsel on both sides.

This appeal by special leave arises from the Order of the Central Administrative Tribunal at Chandigarh made in O.A. No.308 of 1994 on March 21, 1995. Though the Tribunal has dismissed the O.A. on the ground of delay, we have examined the matter on merits. It is now clear from the record placed by the respondents that as a result of selection, list was prepared on April 4, 1990 for appointment as Goods Clerks and Coaching Clerks from among the class IV employees in the order of merit from the quota reserved for class IV employees. Out of them they also made reservation to the members of the Scheduled Castes. The appellant belongs to the Scheduled Castes. Candidates at item Nos.17 and 32 of the list also belong to the Scheduled Castes and were superior in the order of merit; they were selected on the general standard to the roster point as against those who were selected in the reserved quota with relaxed standards. The appellant stands at No.2 while one Sarvan Kumar stands at No. 1 of the list of reserved quota. It is true that in the communication sent to the appellant it was mentioned that he was selected on general standards. It would appear that subsequently, they realized the mistake and corrected the same and put him in the order of merit as a candidate for the reserved quota. Since there was no vacancy existing for reserved quota, he could not be appointed. Under those circumstances we cannot give any direction for making his appointment. Since the list has already expired by efflux of time, the directions sought for appointment in the future vacancies cannot be given. But this order does not preclude him from consideration for future promotions in any of the vacancies that would arise subsequent to the earlier selection.

The appeal is accordingly dismissed. No costs.

JUDIS