

Dhanna Ram

Vs

Union of India and Others

Civil Appeal No. 7536 of 1996

(K. Ramaswamy, G.B. Pattanaik JJ)

18.04.1996

ORDER

1. Leave granted. Heard learned counsel on both sides.
2. This appeal by special leave arises from the order of the Central Administrative Tribunal at Chandigarh made in OA No. 308 of 1994 on 21-3-1995. Though the Tribunal has dismissed the OA 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, a list was prepared on 4-4-1990 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 for the members of the Scheduled Castes. The appellant belongs to a Scheduled Caste. Candidates at Items 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 realised 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.
3. The appeal is accordingly dismissed. No costs.