A DHANNA RAM

v.

UNION OF INDIA AND ORS.

APRIL 18, 1996

B [K. RAMASWAMY AND G.B. PATTANAIK, JJ.]

Service Law :

Selection and appointment as Goods Clerks and Coaching Clerks from C *class-IV employees—Certain posts reserved for Scheduled Castes—Some SC candidates selected on the general standard while some others selected in the reserved quota with relaxed standards—Appellant selected on relaxed standards—However, the communication to him wrongly mentioned that he was selected on general standards—Subsequently the mistake was corrected and he was put in the order of merit under reserved quota—Could not be ap-* D *pointed as no vacancy existed under the reserved quota—Hence direction cannot be given for his appointment—List expired by efflux of time—Directions sought for appointment in future vacancies—Cannot be given—Reservation for SC/ST in appointment promotion.*

E CIVIL APPELLATE JURISDICTION : Civil Appeal No. 7536 of 1996.

From the Judgment and Order dated 21.3.95 of the Central Administration Tribunal, Chandigarh in O.A. No. 308-HR of 1994.

F Prem Malhotra for the Appellant.

P.P. Rao, Raj Kumar Gupta, Rajesh, H.P. Sharma, A. Bhasme and K. Swami for the Respondents.

The following Order of the Court was delivered :

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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 H 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 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 promotion in any of the vacancies that would arise subsequent to the earlier selection.

The appeal is accordingly dismissed. No costs.

G.N. Appeal dismissed.