

(2018) 11 CAT CK 0079

In the Central Administrative Tribunal

Case No : Original Application No. 4245 Of 2018, Miscellaneous Application No. 4790, 4791 Of 2018

Rakesh Kumar And Ors

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 22-11-2018

Acts Referred:

Central Administrative Tribunal (Procedure) Rules, 1987 — Rule 4(5)(a)

Citation : (2018) 11 CAT CK 0079

Hon'ble Judges : L. Narasimha Reddy, J; Aradhana Johri, Member (A)

Bench : Division Bench

Advocate : Prem Chand, T.N. Tripathi

Final Decision : Dismissed

Judgement

V. Ajay Kumar, J

1. Heard the learned counsel for the applicants.

2. OA No.4245/2018 is filed by 6 applicants, who are working as Senior Engineering Assistants in the 2nd respondent-All India Radio, seeking the following reliefs:-

"(i) Quash and set aside Para (ii) of the order dated 06.03.2018 and para 2 of corrigendum dated 13.03.2018 whereby the benefit of reservation has not been extended to applicants No. 2 to 6 in promotion from Sr. EA to the Grade of Asstt. Engineering on the basis of LDCE.

(ii) Direct the respondents to extend benefits of reservation in promotion to the applicants to the grade of Assistant Engineers on the basis of LDCE in compliance of Hon'ble Supreme Court orders and subsequent instructions of DoPT in their OM dated 15.06.2018 (A-8, Colly)

(iii) Direct the respondents further to review the results strictly in accordance with the amended RRs 1985 on the basis of merit to fill-up all 452 posts of AEs,

including all the applicants herein against 75% of quota, prevalent as per past practice.

(iv) Any other order or direction which this Hon'ble Court deems just and proper in the facts and circumstances of the case".

3. The main grievance of the applicants is that the respondents are not following the rule of reservation in promotions which are being effected through LDCE mode, but the learned counsel for the applicants failed to submit how the first applicant, who belongs to Un-reserved category can have the same grievance with all the remaining applicants, who belongs to SC category.

4. Therefore, in view of the fact that the applicants, who jointly filed the instant OA are having different cause of actions and different grievances, the MA No.4790/2018 filed for seeking leave to file the OA jointly, i.e., under Rule 4(5) (a) of the CAT (Procedure) Rules, 1987, is dismissed. Consequently, the OA and other MA also stand dismissed. However, this order shall not preclude the applicants from filing fresh OAs, in accordance with law, if they are so advised. No costs.