

(1970) 11 MAD CK 0011
In the Madras High Court

The Director-General of Posts and Telegraphs

APPELLANT

Vs

N. Natarajan and Another

RESPONDENT

Date of Decision : 02-11-1970

Acts Referred:

Citation : (1971) 84 LW 436 : (1971) 2 MLJ 79

Judgement

1. These appeals are directed against a common order of Sadasivam, J., who allowed the first respondent's petitions one, for quashing the selection of the second respondent as Inspector of Railway Mail Service and the other for a mandamus Directing the Director-General of Posts and Telegraphs to select the first respondent for the post. The first respondent entered service as a sorter in the Railway Mail Service of the Posts and Telegraphs department of the Government of India on 5th June, 1963. There are two cadres among others, to wit, the Railway Mail Service Inspectors and the Postal Inspectors. In December, 1958, the two cadres were grouped together for the purpose of giving representation to the Scheduled Castes. The cadres were filled in by departmental competitive examination from among the candidates of the respective cadres. In December, 1965, 29 vacancies arose in the Postal Inspectors' cadre of the Madras Circle and 3 in the Railway Mail Service Branch. On account of the grouping of the two cadres four would go to the Scheduled Castes. There is no dispute that the first respondent stood second in the list of successful candidates among the forward communities from the Railway Mail Service branch. But on account of the fact that two out of the Scheduled Caste candidates from the Railway Mail Service branch were among the four successful scheduled caste candidates, it was only the

candidate who stood first from among the forward communities from the Railway Mail Service section that could be selected. This is the grievance

of the first respondent. Sadasivam, J., held that the grouping in the circumstances, which led to excessive representation to the Scheduled Castes in the Railway Mail Service cadre, was illegal.

2. We share that view. The Union Government in exercise of its administrative authority was certainly entitled to group cadres of service for the

purpose of giving representation to the Scheduled Castes in order to give effect to Article 16(4) of the Constitution. But this is subject to the rule

that such representation should not be excessive. In *M.R. Balaji and Others Vs. State of Mysore*, , and *T. Devadasan Vs. The Union of India*

(*UOI*) and *Another*, , the Supreme Court opined that any representation to the Scheduled Castes of a reserved character exceeding 50 per cent of

the vacancies to be filled in at any time would be unreasonable and bad. In this particular case, there is no doubt that as a result of the grouping of

the two cadres and giving effect to the 121/2 per cent, reservation to the Scheduled Castes on the basis of the grouping, excessive representation

has resulted in the Railway Mail Service branch. As we mentioned, there were only three vacancies in that branch and as a result of the grouping

and Scheduled Caste representation, two out of them have gone to the Scheduled Caste candidates with the result that the first respondent, who

stood second among the forward candidates, has been unreasonably denied his opportunity to get into the cadre.

3. The appeals are, therefore, dismissed with costs in one of them. Counsel's fee Rs. 150.