

Heard Sri P P Baruah, learned counsel appearing for the petitioner. Also heard Sri G Rahul, learned Standing Counsel appearing for the Public Works Department (PWD).

1. The correctness of the Roster prepared by the Chief Engineer, PWD (Roads/ Building), Assam, has been challenged by the petitioner by invoking the writ jurisdiction of this Court under Article 226 of the Constitution of India. The petitioner, who belongs to the Scheduled Caste community, is presently working as Superintendent in the Office of the Chief Engineer, PWD (Building), Assam. He was appointed as Lower Division Assistant (LDA) on 02.03.1972 and, thereafter, was promoted to the post of Upper Division Assistant (UDA) on 11.10.1982. Subsequently, the respondent authorities issued a gradation list of the combined staff of the Office of the Chief Engineer, PWD (Roads)/ the Chief Engineer, PWD (Building) and the Chief Engineer, PWD, Hills fixing the relative inter-se-seniority consequent upon up-gradation and merger of District Cadre Ministerial Staff with that of Heads of Department Cadre.

2. As stated by the petitioner there is no dispute regarding the preparation of the said gradation list. As per the said gradation list, the name of the petitioner stands at Serial No. 20. According to the petitioner, the 'Roster' to be prepared under the Assam Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1978, was not correctly prepared resulting deprivation of the petitioner from his legitimate claim to the higher post. Being aggrieved by the said Roster, the petitioner submitted the representations dated 24.08.2006 and 18.10.2006 (Annexure F and G respectively), requesting the respondents to review/ correct the 'Roster' for the reserved categories. According to the petitioner, inspite of receipt of the said representation, the authority concerned failed to take appropriate action, which has compelled the petitioner to approach this Court vide this writ petition.

3. According to the petitioner, the third vacancy belonged to the person belonging to Scheduled Caste category, but at the time of filling up the vacancies in the year 1996 the said vacancy was not considered.

4. By filing an affidavit-in-opposition the respondent No. 1 has denied the allegations made by the petitioner and submitted that during the year 1996-1997 two backlog vacancies for Scheduled Castes candidates were filled up by promoting Sri Ajal Das and Sri Amol Sensowa, (both belonging to the Scheduled Caste category) against the Roster point No. 3 and 12. The 'Roster' indicated by the petitioner reveals that the 23rd vacancy belonged to the Scheduled Caste category and Sri Amol Sensowa, who belonged to the Scheduled Caste community, was promoted against the said 23rd point. Therefore, it does not appear to be a correct position that Sri Amol Sensowa who belonged to the Scheduled Caste category was promoted against the backlog vacancy.

5. The deponent further stated that the promotion of Sri H K Bhuyan was wrongly made against the first vacancy in the 'Roster' made and that the 'Roster' has been corrected accordingly.

6. Having heard the learned counsels for both the parties and perusing the materials on record, it appears that the representations dated 24.08.2006 and 18.10.2006, as mentioned above, are still pending before the respondent Nos. 2 and 3 for disposal. The correctness of the 'Roster', aforesaid, being questioned by filing the said representation, the respondent authorities should have disposed of the said representation. This Court is of the considered view that disposal of the said representations submitted by the petitioner, after due examination of the correctness of the 'Roster' prepared by the respondents will be su

fficient enough to meet the grievances of the petitioner.

7. In view of the above, this writ petition is disposed with a direction that the respondent Nos. 2 and 3 shall examine the correctness of the Roster as prepared by the Department and dispose of the representations submitted by the petitioner, as indicated above, by a speaking order within a period of 3 (three) months from the date of receipt of the certified copy of this order. The petitioner shall be at liberty to produce a copy of this order before the respondent Nos. 2 and 3 for doing the needful.