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**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

O.A. No. 779 of 1989

This 17th day of March, 1994

Hon'ble Mr. J.P. Sharma, Member (J)  
Hon'ble Mr. B.K. Singh, Member (A)

1. Inderjeet Singh,  
19/24, Railway Colony,  
Kishan Ganj, Delhi.
2. Chaman Lal,  
30/14, Railway Colony,  
Kishan Ganj, Delhi.
3. Hari Kishan Lal,  
24/11, Railway Colony,  
Kishanganj, Delhi.
4. Gurdarshan Singh Marwah,  
2215, Gali Hinga Building,  
Delhi.

Applicants

All applicants appointed as Sr. Wagon  
Movement Inspectors, N. Rly. New Delhi.

By Advocate: Shri B.S. Charya

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1. The General Manager,  
Northern Railway,  
Baroda House,  
New Delhi.
2. Union of India, through  
Ministry of Railway,  
Government of India,  
Railway Bhavan,  
New Delhi.

Respondents

By Advocate: Shri Shyam Moorjani

O R D E R (Oral)  
(By Hon'ble Mr. J.P. Sharma, M(J))

The applicants were working as Sr. Wagon Movement Inspectors at the relevant time when they filed this application under Section 19 of AT Act, 1985 apprehensive of the action of the respondents against filling up of the vacancies of the next promotional posts of Chief Wagon Movement Inspectors (CWMI) by promoting a reserve candidate (SC/ST) in excess of the quota for 15% for SC and 7½% for ST in violation of Art.16 of the Constitution of India and the

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instructions issued in this behalf. The relief claimed by the applicant is that the impugned action of the respondents in filling up 4 posts of CWMIs by promoting a SC candidate by exceeding the quota fixed therefore be set aside, quashed and set aside and the respondents be directed to consider the applicant No.1 on the basis of seniority for promotion to the post of CWMIs since quota of reserved candidate against the post is already 50% as two of the candidates are functioning on the sanctioned strength of 4 posts. Further direction has been asked that further promotion of reserved candidates (SC|ST) be stopped to the post of CWMIs unless their number in the cadre falls below 15% and  $7\frac{1}{2}\%$  of the total strength.

2. Applicant No.1 has since retired and the relief claimed in the application is only for this applicant. It also transpires that the applicant No.1 was also given promotion to the post of CWMIs. Relief No.(a) therefore no more exists now. As regards relief No.(a) in para 8 of the OA, the applicant has not got the application amended to include any such SC/ST candidate who has since been promoted to the post of during the pendency of this application (during all these 5 years). The respondents therefore cannot be directed except to the extent they have carried out the interim direction issued to them during the pendency of this application. Relief No.(a) therefore also does not call for any specific direction to the respondents as it was only on an apprehension which has been assailed by the applicants and it is not clear whether that apprehension has since materialised by appointment of any SC/ST candidate or any applicant other than No.1 has been promoted in the general category. the relief therefore becomes vague also.

3. As regards relief No.(c) prayed in the application there are interim directions of the Hon'ble Supreme Court in this regard by the order dated 6.9.91. The Bench has considered this matter while disposing certain MAs and the stay granted by the SC on 24.12.84 is as follows:

"....the promotion which may be made hereafter will be strictly in accordance with the judgment of the High Court in Civil Writ Petition No.1809 of 1972 and if any such promotions have been made otherwise than in accordance with the judgment of the High Court, such promotions shall be adjusted against the future vacancies".

It also appears that on 17th July 1991 an order has been passed in MP No.1426/90 whereby in para 3 it was directed after hearing the counsels of the parties that the respondents should fill up the vacancies of CWMI strictly in accordance with the order dated 21.12.84 of the Hon'ble Supreme Court passed in the matter of appeal of Veer Pal Singh Chauhan Vs. Union of India. Further, this order has been corrected by the subsequent order dated 6.9.91 wherein for the words 'Veer Pal Singh Chauhan' the name of Girdhari Lal Kohli Vs. Union of India & Ors has been ordered to be written.

4. The respondents in their counter have opposed the grant of reliefs prayed for in the OA. The stand taken by the respondents is that the roster point 1,8,14,22,28,36 and point 4, 17 and 31 are earmarked for SC and ST communities respectively and the vacancy proposed to be filled up in the instant case falls at point No.14 meant for SC candidate. As such they have to follow the roster and there are no directions of the Supreme Court in that regard. Their further contention is that the policy of Govt. of India is to give effective representation to SC/ST communities. In view of this it is said that the applicants are not entitled to grant of any relief.

5. We have heard the rival contentions of the parties. Firstly, we find that the present application is restricted only to general category on one hand and SC/ST on the other. Now recently, we took judicial notice of the fact that OBCs have also been placed under reserved category upto certain percentage. However, we are not touching that aspect at all and this order will not at all be a binding and almost ineffective in filling up the vacancies of the modified quota and the roster envisaged under the new policy, if framed, by the Administration on behalf of Govt. of India. In this

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application we are confined only to filling up of the post of SC/ST categories and we dispose of the application with the direction that the interim direction of the Hon'ble Supreme Court, mentioned above, has to be carried out in letter and spirit and ultimately if any such appointment is made, that shall be subject to the outcome of decision of the Hon'ble Supreme Court. The OA is therefore disposed accordingly.

6. There is also a Review Application. That has become infructuous for lapse of time as the interim order for keeping one post unfilled has since been modified by a subsequent order. Hence both the MA and the RA are disposed of accordingly.



( B.K. Singh )  
Member (A)



( J.P. Sharma )  
Member (J)

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