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Central Administrative Tribunal
Principal Bench: New Delhi

OA No. 919/90

New Delhi this the 13th day of September 1996.

Hon'ble Mr A.V. Haridasan, Vice Chairman (J)
Hon'ble Mr R.K. Ahooja, Member (A)

1. Surinder Kumar Gupta
S/o Late Siri Kishan
Asstt. Supdt.
Commercial Rate Branch
Northern Railway
Baroda House, New Delhi
R/o 79, Bank Enclave
Laxmi Nagar, Delhi - 92.

2. Ram Mansharamani
S/o Late C.D. Mansharamani
Head Clerk
Commercial Rates Branch
Northern Railway
Baroda House, New Delhi
R/o 86-D Kamla Nagar
Delhi - 110 007.

...Applicants.

(By Sh. S.K. Sawhney, advocate)

Versus

Union of India through

1. General Manager
General Manager
Northern Railway
Baroda House
New Delhi..

...Respondent.

O R D E R

Hon'ble Mr A.V. Haridasan, Vice Chairman (J)

Applicants 1 & 2 who were working as Assistant Superintendent and Head Clerk respectively in the Commercial 'Rates' Branch of Northern Railway, New Delhi, being aggrieved by the action of the respondent in promoting Schedule Cast/Scheduled Tribe employees allegedly in excess of prescribed percentage of 15% & 7½% respectively in the cadre of Superintendent scale of Rs. 2000-3200 and Assistant Superintendent in the scale

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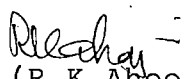
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of Rs.1660-2600 and in assigning higher seniority to SC/ST candidates in preference to general category employees in the lower grade, have filed this application under Section 19 of the Administrative Tribunals Act for following reliefs:

- [i] Direct the respondents not to promote further SC/ST employees to the posts of Supdt. scale Rs. 2000-3200(RPS) and Asstt.Suptd. scale Rs. 1660-2600 (RPS) in the Commercial Rates Branch of the Northern Railway as SC/ST employees are already holding posts much in excess of the prescribed percentage.
- [ii] Direct the respondents to promote general category candidates against the posts held by SC/ST employees in excess of prescribed percentage in the cadre of Asstt.Suptd.
- [iii] Direct the respondents to adjust the seniority of SC/ST employees by assigning them position below their erstwhile seniors in the lower scale of senior clerks who were promoted later to the post of Head Clerk as such SC/ST employees were granted accelerated promotion by jumping the queue.

2. Respondents resist this application. This case and similar cases were kept pending awaiting judgement of the Hon'ble Supreme Court in J.C.Mallik's case. Now that the Hon'ble Supreme Court has disposed of J.C.Mallik's case by judgement ^{reported in} SLJ 1996 Vol.1 P.115 this case has been taken up for hearing. As the issue involved in this case has been settled by the Hon'ble Supreme Court in J.C.Mallik's case, we dispose of this application with a direction to the respondents to take further action in the matter in the light of the directions in the matter by the Hon'ble Supreme Court in J.C.Mallik's case.

No costs.


(R.K.Ahooja)
Member (A)


(A.V.Haridasan)
Vice Chairman(J)