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D.R. Bhatia and Others	.. ..	Applicants
Versus		
Union of India and Others	.. ..	Respondents



The applicants filed a Writ petition before High Court praying that a writ of mandamus order or direction in the nature of mandamus be issued commanding the respondents not to make any further promotions or appointments of Scheduled Caste/Scheduled Tribe candidates in different categories of the employees of Diesel Locomotive Works, Varanasi by way of reservation in excess of the prescribed percentage of 15% and 7½% for the Scheduled Caste/Scheduled Tribe candidates respectively.

2. The applicants who were serving as Office Superintendent Gr. II in the General Cadre and Personnel cadre respectively in the grade of Rs.550-750. The next senior grade in the aforesaid cadres is that of Office Superintendent Gr. I in the scale of Rs.700-900. An interim mandamus

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was granted by the High Court in the same time. The applicants in their application have pointed out that they have been strengthened in the cadre of Office Supdt. Gr.1 General Office Supdt. Personnel and also Postal Supdt. Chemical and Metallurgical office to which the applicants belong and has made a reference to the writ petition in which such directions have already been given and it appears more or less grievance of the applicants is based on certain apprehensions and that is why they filed the writ petition. Examples was given by them that the quota system is not being followed and the same has been broken.

3. The respondents in their Counter affidavit in clear language stated that the respondents are strictly adhering to the Circular issued by the Railway Board. A reference to which finds in the letter dated 28.4.80 by which the ~~xxxxxx~~ letter dated 3.1.81 was superseded. said letter provides itself that in any recruitment/promotion the current reservation quota for scheduled caste/scheduled tribe when ended, the quota carried from earlier years should not normally exceed 50% may be allowed, was still under examination and further instructions in the matter would follow, provided the quota of the scheduled caste/scheduled tribe is inadequate.

4. The respondents have also pointed out that the Government of India has always regulated the reservation of scheduled caste/scheduled tribe candidates. The Railway Board vide its letter No. E(SCT) 72 QM15/5 dated 11.7.73 introduced a quota of 15% and 7½% for SC/ST respectively in promotion to the categories and posts in class I, II, III and IV filed on the basis of seniority-cum-

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suitability provided the element of direct recruitment to these grades if any; does not exceed 50% which was effected from 27.11.72. Subsequent orders regarding the reservation were extended to promotion (i) in class I, class II, class III and class IV services made on the basis of seniority- cum-suitability; (ii) to class II, III and IV services made on the basis of competitive examinations limited to the departmental candidates. The Railway Board in the above letter have laid down the reservation for SC/ST for 15% and 7½% respectively in posts filled by promotion (i) class I, class II, class III and class IV services made on the basis of seniority cum-suitability (ii) to class II, III and IV services made on the basis of competitive examinations limited to the departmental candidates and (iii) promotion within class III <sup>and class III to</sup> from class II and from II to the lowest of class I on the basis of selection provided in all these cases the element of direct recruitment does not exceed 50%. The working of the quota for SC/ST and number of vacancies available in the cadre at a particular point of time is based on the 40 Point Roster and the promotions have been made by the respondents in accordance with the circular issued by the Railway Board from time to time including the 40 Point Roster. As the respondents are adhering with their own circulars on the point which are on the policy enunciated by the Government of India to fulfill the Constitutional Provisions, the apprehensions of the applicant appears to be unfounded. Accordingly this mandamus is made absolute subject with <sup>the</sup> addition of what circumstances given by the respondents in their written statement regarding the filling of the backlog. Accordingly the petition stand disposed of finally. No order as to the costs.

*[Signature]*

V.C.

Dated: 23rd July, 1992:

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*Corrected*  
*27/7/92*