

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

ADDITIONAL BENCH AT ALLAHABAD

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Allahabad : Dated 7th July, 1997

Original Application No.582 of 1992

CORAM:-

Hon'ble Mr. S. Das Gupta, A.M.

Hon'ble Mr. T.L. Verma, J.M.

1. Prem Chandra S/o Sri Lallan Prasad
Working as Head Clerk in the Office of D.R.M. (P)
North Eastern Railway, Varanasi.
2. T.N. Dubey S/o Sri Triloki Nath Dubey
Working as Head Clerk in the Office of D.R.M. (P)
North Eastern Railway, Varanasi.
3. B.K. Gupta, S/o Shri G.D. Gupta,
Working as Head Clerk in the Office of the
D.R.M. (P), North Eastern Railway, Varanasi.
4. Madan Mohan S/o Late, Rajendra Bahadur Srivastava,
Working as Head Clerk in the office of D.R.M. (P)
Northe Eastern Railway, Varanasi.
5. Malti Masih D/o Sri G.C. Augustees
Working as Head Clerk in the Office of D.R.M. (P)
Northeastern Eastern Railway, Varanasi.
6. Ram Chandra Singh S/o Sri Prithvi Raj Singh
Working as Head Clerk in the Office of D.R.M. (P)
North Eastern Railway, Varanasi.
7. K.P. Singh S/o Late Sri Shiv Pal Singh
Working as Head Clerk in the Office of D.R.M.
North Eastern Railway, Varanasi.
8. Mritunjay Choubey S/o Late Sri Shiv Shankar
Choubey, working as Head Clerk in the Office
of D.R.M. (P), North Eastern Railway, Varanasi.
9. R.C. Sharma S/o Late Shri S.R. Sharma,
Working as Head Clerk in the Office of D.R.M.
(P), North Eastern Railway, Varanasi.

(By Sri Sanjay Kumar, Advocate)

..... Applicants

Versus

1. Union of India through Secretary,
Railway Board, New Delhi.
2. General Manager,
North Eastern Railway, Gorakhpur.
3. Divisional Railway Manager (P)
North Eastern Railway, Varanasi.
4. Panna Lal, Working as Head Clerk in the
Office of D.R.M. (P), North Eastern Railway,
Varanasi.

5. Prabhu Nath Working as Head Clerk in the Office of Loco Foreman, North Eastern Railway, Chapra.
6. Rajendra Kumar working as Head Clerk in the Office of D.R.M. (P), North Eastern Railway, Varanasi.
7. Kamal Kumar Working as Head Clerk in the Office of D.R.M. (P), North Eastern Railway, Varanasi.
8. Satish Kumar Working as Head Clerk in the Office of D.R.M. (P) North Eastern Railway, Varanasi.

(By Shri AV Srivastava, & Shri Iqbal Ahmad) Advocates

• • • • Respondents

O R D E R (O_r_a_1)

By Hon'ble Mr. S. Das Gupta, A.M.

This OA was filed challenging outturn promotion of respondent nos. 4 to 8, who belong to SC/ST communities. The applicants, who belong to the general community have challenged this promotion on the ground that these are void in the light of the decision in the case of Virpal Singh Chauhan.

2. When the aforesaid OA was filed, the decision in the case of Virpal Singh Chauhan was challenged in the Hon'ble Supreme Court in a SLP. The SLP has ~~not~~ ^{since} been decided and the principle laid down ~~in Virpal Singh Chauhan~~ by the Hon'ble Supreme Court has been upheld. It has been held by the Hon'ble Supreme Court that accelerated promotion against the reserved vacancies shall not confer the benefit of seniority on the promotees. This principle, however, will be operative only retrospectively w.e.f. 10-2-1995. Admittedly, the disputed promotions had taken place much before the cut-off date and, therefore, these promotions cannot be challenged on the basis of the principles laid down in Virpal Singh Chauhan's case.

WS

3. In view of the foregoing, the aforesaid application has no merit and the same is accordingly dismissed, leaving the parties to bear their own costs.

J. V. Verna
Member (J)

W. C.
Member (A)

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