

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

CAT/J/13

O.A.NO. 603/87

T.A.NO.

DATE OF DECISION 03/6/96

Shri Dharamvir Anand & Others Petitioner^s

Mr.K.S.Zhaveri Advocate for the Petitioner [s]
Versus

Union of India & Others Respondent

Mr.N.S.Shevde Advocate for the Respondent [s]

CORAM

The Hon'ble Mr.Justice A.P.Ravani : Chairman

The Hon'ble Mr.K.Ramamoorthy : Member (A)

JUDGMENT

- 1, Whether Reporters of Local papers may be allowed to see the Judgment ? Yes
- 2, To be referred to the Reporter or not ? NO
- 3, Whether their Lordships wish to see the fair copy of the Judgment ? NO
- 4, Whether it needs to be circulated to other Benches of the Tribunal ? NO

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1. Dharamvir Anand,
Travelling Ticket
Inspector,
Chief Ticket Inspector
Railway Station,
Godhra.
2. Yeshwant Tase,
Head Travelling Ticket
Examiner, Chief Ticket
Inspector, Railway Station,
Vadodara.
3. Babulal Prajapati,
Senior Ticket Collector
Officer, Railway Station,
Vadodara.
4. Ashok Ghorpade,
Ticket Collector,
Vadodara.

: Applicants.

(Advocate: Mr.K.S.Zhaveri)

Versus

1. Union of India
Through: General Manager,
Western Railway,
Churchgate, Bombay.
2. Divisional Railway Manager,
Pratapnagar
Vadodara.
3. Ramesh Pundalik Brahmane,
Chief Ticket,
Inspector Office,
Railway Station, Viramgam.
4. Parshottam Kacharabhai Parmar,
Chief Ticket Inspector Office (BG)
Railway Station,
Ahmedabad-380 002.
5. Chunilal Bhagwan Bhagat,
Chief Ticket Inspector
Office, Railway Station,
Anand -388 001.
6. Chandulal Keshavlal Rathod,
Chief Ticket Inspector Office,
Railway Station, Ankleshwar,
7. Ratilal Meghajibhai Makwana,
Chief Ticket Inspector Office,
Railway Station, Nadiad-387 001.
8. Ishwarabhai Somabhai Rathod,
Chief Ticket Inspector Office,
Railway Station, Vadodara-390 001.

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9. Rajnikant Krushalal Waghela
Travelling Ticket Inspector,
C/o.Chief Ticket Inspector Office,
Railway Station, (B.G.),
Ahmedabad-380 002.
10. Pravinchandra Ratilal Chandlawala
Travelling Ticket Inspector,
Chief Ticket Inspector Office,
Railway Station (B.G.),
Ahmedabad-380 001.
11. Anilkumar Ambalal Makwana,
Ticket Travelling Inspector,
Chief Ticket Inspector (B.G.)
Railway Station,
Ahmedabad-380 002.

: Respondents

(Advocate: Mr.N.S.Shevde)

ORAL JUDGEMENT

O.A.603/87

Date:03.6.1996

Per: Hon'ble Justice Mr.A.P.Ravani : Chairman

The applicants are employees of Railway.
Applicant No.1 is serving as Travelling Ticket
Inspector. Applicant No.2 is serving as Head Travelling
Ticket Examiner and Applicant No.3 is serving as Head
Ticket Collector Officer and the applicant No.4 is
serving as Ticket Collector. The applicants pray that
the respondents be restrained from promoting any
employees belonging to SC & ST against the reservation
posts till such excessive promotions already made are
wiped out as per law laid down by the Supreme Court.

The issue involving in this petition has been
covered by the decision of the Supreme Court in the
case of Ajit Singh Juneja & Ors. Vs. State of Punjab
& Ors. ^{by reported in 1996 (2) SCALE - P. 526} One such case was decided by this Tribunal and
it was carried before the Supreme Court and therein
Supreme Court has ^{passed} given the following orders.

ORDER

(2)

" Leave granted.

The point involved for decision in this appeal as indicated at the beginning of the impugned order made by the Tribunal is now settled by decisions of this Court, the most recent being *Ajit Singh Juneja and Ors. vs. State of Punjab and Ors.* (1996 (2) Scale 526). It has been clearly held that the benefit of the accelerated seniority obtained on promotion against any reserved vacancy to a candidate of that category is not available when relevance is of seniority for further promotion against a vacancy in the general category for which purpose the basic inter se seniority of panel seniority counts. To this extent, the decision of the Tribunal has to be modified. The case of each promotee has to be examined in that light in accordance with the principle clearly stated in *Ajit Singh's* case. For this reason, the impugned order of the Tribunal is set aside and the matter is remitted to the Central Admn. Tribunal, Ahmedabad Bench for a fresh decision of O.A. in accordance with law.

The appeal is disposed of. No costs.*


Today we have disposed 10 other matters by giving directions as below:


In view of the aforesaid facts ^{and the order passed} given by the Supreme Court all these petitions be disposed of with a direction to the respondents to re-fix the seniority/promotion and take consequential action in accordance with the law laid down by the Supreme Court in the case of *Ajit Singh Juneja and Ors.*

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vs. State of Punjab and Ors. reported in 1996 (2) scale 526, within a period of three months from today. It is clarified that it ^{will be} ~~is~~ open to the employees concerned to make a representation to the authority concerned pointing out the ^{position} ~~decision~~ of law laid down by the Supreme Court and the effect of the same on his/her seniority. Subject to the aforesaid observations given above all these cases are disposed of accordingly."

Both the learned counsel submit that in terms of the aforesaid direction, this petition can also be disposed of accordingly. The petition stands disposed of in terms of the direction given herewith.


(K. Ramamoorthy)
Member (A)


(A.P. Ravani)
Chairman

vtc.