

CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

O.A. NO. 323/1988

T.A. NO.

DATE OF DECISION 3/8/94

Mr. Gangram Sachdev and Others Petitioner

Mr. K.S. Jhaveri

Advocate for the Petitioner (s)

Versus

Union of India and Others

Respondent

Mr. N.S. Shevde

Advocate for the Respondent (s)

CORAM

The Hon'ble Mr.

K. Ramamoorthy

Member (A)

The Hon'ble Mr.

Dr. R.K. Saxena

Member (J)

JUDGMENT

1. Whether Reporters of Local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

No

1. Gandram C.Sachdev,
Goods Supervisor,
Kankaria Goods Office,
Ahmedabad.
2. Kishanlal M.Arora,
Goods Supervisor,
Asarva Goods Office,
Ahmedabad.
3. Ajitsingh D.Malhotra,
Goods Supervisor,
Vadodara Goods Office,
Vadodara.
4. Ratilal M.Shah,
Goods Supervisor,
Kankaria Goods Office,
Ahmedabad.
5. Bhagwandas M.Malani,
Goods Supervisor,
Asarva Goods Office,
Ahmedabad.
6. Mukund S.Manohar,
Goods Supervisor,
Vadodara Goods Office,
Vadodara.
7. Prahlad N.Mahajan,
Goods Supervisor,
C/o, CTNL-W.RLY. Control,
Ahmedabad.
8. Kutubuddin Siddiqui,
Goods Supervisor,
Kankaria Goods Office,
Ahmedabad.
9. Girdharilal T.Mulchandani,
Goods Supervisor,
Kankaria Goods Office,
Ahmedabad.
10. Ganibhai M.Vohra,
Goods Supervisor,
Asarva Goods Office,
Ahmedabad.
11. Raghunath M.Barhate,
Goods Supervisor,
Asarva Goods Office,
Ahmedabad.
12. Yaswant T.Modi,
Goods Supervisor,
Kankaria Goods Office,
Ahmedabad.
13. Krishnalal S.Shah,
Goods Supervisor,
Asarva Goods Office,
Ahmedabad.
14. Dhirubhai J.Shah,
Goods Supervisor, -Sabarmati,
Sabarmati.MG.Rly.Station,
Ahmedabad.

(11)

15. Gulam Mohiuddin Sahabuddin Shaikh,
Goods Supervisor, -Sabarmati,
Sabarmati.MG.Rly.Station,
Ahmedabad.
16. Kantilal M.Panchiwala,
Goods Supervisor-Sabarmati,
Sabarmati.MG.Rly.Station,
Ahmedabad.
17. Jayantilal A.Shah,
Goods Supervisor-Sabarmati,
Sabarmati.MG.Rly.Station,
Ahmedabad.
18. Ramanlal A.Darji,
Goods Supervisor,
Kankaria Goods Office,
Ahmedabad.
19. Mahendrakumar C.Dave,
Goods Supervisor,
Kankaria Goods Office,
Ahmedabad.
20. Shantilal C.Bhatt,
Goods Supervisor,
Kankaria Goods Office,
Ahmedabad.
21. Shriram M.Misra,
Goods Supervisor,
Kankaria Goods Office,
Ahmedabad.
22. Dattaraye R.Vaidya,
Goods Supervisor-Pratapnagar,
Pratapnagar Goods Office,
Vadodara.
23. Chandrakant P.Gandhi,
Goods Supervisor-Sabarmati,
Sabarmati.MG.Rly.Station,
Ahmedabad.
24. Joitaram G.Patel,
Goods Supervisor,
Kankaria Goods Office,
Ahmedabad.
25. Gurumohansingh Ajaibsingh,
Goods Supervisor,
Office of CMI(III) Ahmedabad.
26. Amritlal C.Parikh,
Goods Supervisor,
Kankaria Goods Office,
Ahmedabad.
27. Kantilal M.Patel,
Goods Supervisor,
Kankaria Goods Office,
Ahmedabad.

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28. Giriraj R. Prasad Sharma,
Goods Supervisor,
Asarva Goods Office,
Ahmedabad.
29. Saradchandra G. Bam,
Goods Supervisor,
Asarva Goods Office,
Ahmedabad.
30. Ratilal M. Dhakkan,
Goods Supervisor,
Kankaria Goods Office,
Ahmedabad.

Applicants

Address for service for all notices :

Kankaria Goods Office,
Ahmedabad-380 022.

Advocate Mr. K. S. Jhaveri

1. Union of India, Service be
made through :
The General Manager,
Western Railway,
Churchgate,
Bombay.
2. Divisional Railway Manager,
Pratapnagar, Western Railway,
Vadodara.
3. Mangalabhai Bhulabhai Parmar,
Goods Supervisor,
Asarva Goods Office,
W.Rly. Asarva, Ahmedabad.
4. Maliabhai Chhitabhai Vasava,
Goods Supervisor, Hajira Goods
Office.
5. Dalsukhbhai K. Parmar,
Goods Supervisor,
Sabarmati Goods Office.
6. Assulal Umaji Kurariya,
Goods Supervisor, Bharuch
Goods Office.
7. Kikabhai Kaliyabhai Dhodi,
Goods Supervisor, Kankaria
Goods Office, Ahmedabad.
8. Ranchhodbhai D. Vanker,
Goods Supervisor,
Sabarmati Goods Office,
Sabarmati Railway Station.
9. Damodar Bhagwanji Champaneri,
Goods Supervisor, Vadodara
Goods Office.

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10. Narayanrao Wamanrao Gajbhiye,
Goods Supervisor,
Kankaria Goods Office,
Ahmedabad.
11. Babulal Rambhai Pardhi,
Goods Supervisor, Sabarmati
MG.Rly. Station.
12. Bapurao Kesharao Moon,
Goods Supervisor,
Anand Goods Office,
Anand.
13. Jayantilal Babulal Dabhi,
Goods Supervisor, Kankaria
Goods Office,
Ahmedabad.
14. Shireram Singh M. Bhadoria,
Goods Supervisor, Dhrangadhra
Goods Office.
15. Muljibhai Mangalbai Parmar,
Goods Supervisor,
Asarva Goods Office,
Ahmedabad.
16. Bhikubhai Kalidas Dulera,
Goods Supervisor,
Sabarmati Goods Office.
17. Purshottam Mangaldas Vanker,
Goods Supervisor,
Kankaria Goods Office,
Ahmedabad.
18. Jogidas S. Patel,
Goods Supervisor,
Vadodara Goods Office.
19. Kashiram K. Tadvi,
Goods Supervisor,
Pratapnagar Goods Office.
20. Chandrapatiram Harhangiram,
Goods Supervisor,
Sabarmati Goods Office.
21. Rambhai Totaram Hirole,
Goods Supervisor,
Godhra Goods Office.
22. Shivrulal Girdharlal Mochi,
Goods Supervisor,
Bajuwa Goods Office.
23. Dharmabhai Becharadas Vanker,
Goods Supervisor,
Asarva Goods Office,
Ahmedabad.
24. Bhavsingh Mangalbai Chauhan,
Goods Supervisor,
Bajuwa Goods Office.

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25. Nanubhai Lumbaran Bhil,
Goods Supervisor,
Sabarmati Goods Office,
Ahmedabad.
26. Fakirchand Gokuldas Kanojia,
Goods Supervisor,
Asarva Goods Office,
Ahmedabad.
27. Indravadan Dalsukhram Parmar,
Goods Supervisor,
Nadiad Goods Office.
28. Vithal Ramchandra Kamble,
Goods Supervisor,
Anand Goods Office.
29. Deviprasad Manilal Parmar,
Goods Supervisor,
Kankaria Goods Office,
Ahmedabad.
30. Kanaiyalal Manghiram Nimesh,
Goods Supervisor,
Kankaria Goods Office,
Ahmedabad.
31. Naginbhai Zinabhai Patel,
Goods Supervisor,
Bharuch Goods Office.
32. Nikunjrai Punajibhai Patel,
Goods Supervisor,
Ankleshwar Goods Office.
33. Sanalal Keshavlal Parmar,
Goods Supervisor,
Asarva Goods Office.
34. Atmaram Savabhai Mackwana,
Goods Supervisor,
Sabarmati Goods Office.
35. Chhanabhai Premchand Marodia,
Goods Supervisor,
Sabarmati Goods Office.
36. Mavjibhai Ambadas Vanker,
Goods Supervisor,
Kapadwanj Goods Office.
37. Dineshkumar Shantilal Rawal,
Goods Supervisor,
Sabarmati Goods Office.
38. Prafulvadan Ukabhai Vasava,
Goods Supervisor,
Bajuwa Goods Office.
39. Narayansingh Shrichandra Dinker,
Goods Supervisor,
Sabarmati Goods Office.
40. Deojibhai Zaverbhai Rathod,
Goods Supervisor,
Anand Goods Office.

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41. Shankerlal R. Mackwana,
Goods Supervisor,
Kankaria Goods Office,
Ahmedabad.
42. Prabhulal Shivilal Malan,
Goods Supervisor,
Dhrangadhra Goods Office.
43. Bharatkumar Manibhai Vasava,
Goods Supervisor,
Vadodara Goods Office.
44. Jethalal H. Mackwana,
Goods Supervisor,
Bajuwa-Ranoli
Ranoli Goods Office.
45. Ravjibhai Dhulbhai Waghri,
Goods Supervisor,
Anand Goods Office.
46. Shankerbhai Dhuljibhai (
(S.D. Dodigar-ST),
Goods Supervisor,
Bajuwa G.R. Siding.

Respondents

Advocate Mr. N. S. Shevde

J U D G M E N T

O.A. 323/88

Date: 3/8/94

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

The application has been filed by the petitioners who are 30 in number against the promotion policy of the Railways, whereby members of the SC and ST are given promotions on the basis of seniority acquired by them in the immediately lower post by way of promotion obtained on account of the reservations policy. The petitioners belong to the category known as Goods Supervisor in the Goods Department in Vadodara Region. The main thrust of their

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argument is that by continuing the policy of the reservation quota even in promotion posts, the over all quota of 15% and 7½% will get exceeded.

2. It is now a settled principle that the over all quota will not affect promotions obtained on seniority and merits. The main arguments of the petitioners however, is that the seniority obtained by accelerated promotion should be ignored. The petitioners have specifically stated that " seniority list should be prepared for each grade after given due weightage to those persons who got promotion later not due to any reason but having ignored due to reservation and they will get seniority in the next cadre on the basis of the seniority in their lower cadres."

3. While it is true that there had been some different^{ing} judgments on this issue, the question of seniority of such employees on their promotion posts, even in case where promotion have been obtained because of reservation~~x~~ is now settled. The Full Bench has since laid down the law, in O.A.854/90, wherein it has concurred with the view of another Full Bench in O.A.759/87, of Hyderabad Bench. According to this, a person is entitled to count the seniority from the date of his regular promotion for further promotion

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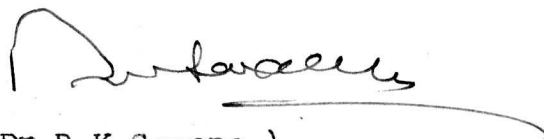
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and his basic seniority in the cadre of which he has promoted against reservations quota is not material for further promotions. Accordingly, this Bench has also passed orders in this regard vide its order dated 17.5.1994, common order passed in O.A.514/93, O.A.733/93, O.A.734/93 with M.A.14/94, O.A.44/94, O.A.72/94 with M.A.205/94, O.A.79/94, O.A.104/94, O.A.152/94 and O.A.225/94.

4. In view of the settled position of law, the petition is rejected, but further promotions given to the respondents will of course be subject to the direction of the Supreme Court in its order against the decision in Malik's case. It may also be specifically stated that promotion orders for further promotions if given will be subject to the directions, or orders, if any, that may be passed by the Supreme Court at an interim or final stage in any matter involving the same question.

With these directions, the application stands disposed of. No order as to costs.



(Dr.R.K.Saxena)
Judicial Member



(K.Ramamoorthy)
Admn. Member

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