

NO IN THE CENTRAL ADMINISTRATIVE TRIAUNAL

AHMEDABAD BENCH

Reservation/
promotion

B

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O.A. No. 109 OF 1989.

~~Exhibit~~

DATE OF DECISION 12-4-1993

S.C. Verma, Petitioner

Mr. D.M. Thakkar, Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent(s)

Mr. B.R. Kyada, Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. R.C.Bhatt, Judicial Member.

The Hon'ble Mr. M.R.Kolhatkar, Admn. Member.

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

S.C. Verma,
T/27-D, Rokhadia Colony,
Rajkot Junction,
Rajkot.

.... Applicant.

(Advocate: Mr. D.M. Thakkar)

Versus.

1. Union of India,
(Notice to be served through
The General Manager,
Western Railway, Churchgate,
Bombay.)
2. The Divisional Railway Manager (E),
Western Railway, Kothi Compound,
Rajkot. Respondents.

(Advocate: Mr. B.R. Kyada)

ORAL ORDER

O.A.No. 109 OF 1989

Date: 12-4-1993.

Per: Hon'ble Mr. R.C.Bhatt, Judicial Member.

Heard Mr. D.M. Thakkar, learned advocate
for the applicant and Mr. B.R.Kyada, learned
advocate for the respondents.

2. The applicant serving as Chief Clerk in the
scale of 550-750 under the Western Railway, has
filed this application under section 19 of the
Administrative Tribunals Act, 1985, seeking the
following reliefs:

"(A) Your Honour be pleased to quash and
set aside the impugned action of the
opponents in promoting SC/ST candidates over
and above their total reservation quota of
22½% and seeking to promote the SC/ST
candidates to the post of Office Superinten-
dent by neglecting the claim of the
applicant from General category as being
arbitrary, illegal, unjustified, null and
void;

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(B) Your Honour be pleased to restrain the opponents from promoting any SC/ST candidates to the post of Office Superintendent in the MOCG department in excess of total reservation of 22½% for SC/ST candidates, pending the admission, hearing and final disposal of this application;

(C) Your Honour be pleased to grant such other and further reliefs, as are deemed fit, in the interest of justice."

3. The case of the applicant is that the reservation quota has exceeded upto 60% in different departments as against the total reservation of 22½%. It is alleged by the applicant that since the SC/ST candidates are being promoted time and again over and above their prescribed reservation quota of 22½%, the employees of MOCG department had challenged the said action of the respondents by filing Special Civil Application No. 2612/85 which was transferred to this Tribunal as T.A. 413/86 which is pending for final disposal. It is alleged by the applicant that the Railway Administration is promoting SC/ST candidates under misconception of the reservation policy. The applicant has alleged that similar dispute of reservation had been decided in Special Civil Application No. 1809/72 by the Allahabad High Court on 9th December, 1977, the copy of which is produced at Annexure A which is popularly known as J.C. Malik's case. It is not in dispute before us that the said decision of the Allahabad High Court has been challenged before the Hon'ble Supreme Court of India by Civil Appeal 2017/78

and it is pending. It is submitted before us by the learned advocate of the parties that the fate of this application should ~~depend on~~ ^{be as per} the decision which may be given in appeal by the Hon'ble Supreme Court of India in Malik's case. The learned advocate for the respondents submit that the respondents will abide by the decision given by the Hon'ble Supreme Court in the said appeal and the respondents will not pass any order contrary to the interim order which has been also passed by the Hon'ble Supreme Court of India in that case during the pendency of the appeal and both the sides will act according to the decision of the Hon'ble Supreme Court that may be rendered in appeal. Hence it is not necessary to decide this application by this Tribunal on merits.

4. In view of the observations made above and the statements made by the learned advocates for the parties we dispose of the present application by observing that the parties ~~to~~ ^{shall} act according to the decision of the Hon'ble Supreme Court not only as per its final decision in appeal but also as per the interim order ~~e.e.~~ ^{may be}, passed or ~~being~~ passed by the Hon'ble Supreme Court of India. No order as to costs.

M.R.Kolhatkar
(M.R.Kolhatkar)
Member (A)

R.C.Bhatt
(R.C.Bhatt)
Member (J)