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CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH

ORIGINAL APPLICATION NO. 76/2003
JODHPUR: THIS THE 4TH DAY OF JANUARY, 2007.

CORAM :

HON'BLE MR. KULDIP SINGH, VICE CHAIRMAN

HON'BLE MR. R.R. BHANDARI, ADMINISTRATIVE MEMBER

1. All India Equality Forum through Divisional Secretaries of Bikaner and Jodhpur Division viz. Shri Rajendra Kumar Bhatnagar S/o Shri Durga Prasad, working as Office Supdt., Mechanical Branch, DRM Office, Bikaner, resident of 4 E 171, Jai Narayan Vyas Colony, Bikaner and Shri Chandra Mohan Singh, Guard, working on Jodhpur Division, resident of Tribhuvan Ji Ka Bangala, Behind Maha Mandir Railway Station, Plot No. 3, Jodhpur.
2. Kailash narain Gurjat S/o Shri Shambhu Dayal Ji working as Office Superintendent, Personnel Branch, DRM Office, Bikaner and Resident of Hanuman Hatta, Bikaner.
3. Rajvir Singh Chouhan S/o Shri Subedar Singh Chouhan working as Office Superintendent, Mechanical Branch, DRM Office, Bikaner, and Resident of J 124, Ballabh Garden, Sudarshana Nagar, Bikaner.
4. Satya Narain Sharma S/o Shri Matridutt Sharma working as Office Superintendent, Engineering Branch, DRM Office Bikaner and Resident of Near Choutina Well, Dv. Himmat Singh Ka Dera, Bikaner.

....Applicants.

Mr. S.N. Trivedi, Advocate, present for the applicants.

Versus

1. Union of India through the Secretary to Government, Department of Personnel & Training. North Block. New Delhi.

[Signature]



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2. Chairman, Railway Board, Rail Bhavan, New Delhi.
3. General Manager, North Western Railway, Jaipur.
4. Divisional Railway Manager, North Western Railway, Bikaner.
5. Divisional Personnel Officer, North Western Railway, Bikaner.
6. Divisional Railway Manager, North Western Railway, Jodhpur.
7. Dy. Chief Mechanical Engineer (W), North Western Railway, Lalgah.
8. Suraj Mal, Chief Office Superintendent, Personnel Branch, DRM Office, North Western Railway, Bikaner.
9. J. P. Meena, Chief Office Superintendent, Personnel Branch, DRM Office, North Western Railway, Bikaner.

..... Respondents.

Mr. Manoj Bhandari, counsel for the respondents No. 1 to 7.

Mr. B. Khan along with Mr. J.K. Mishra, counsel, for the respondents No. 8 and 9.

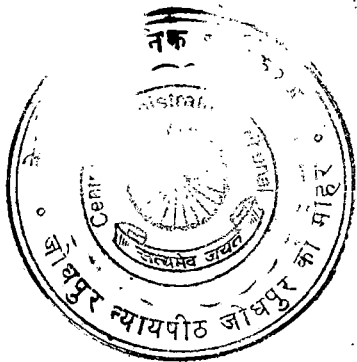
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ORDER
[BY KULDIP SINGH, VICE CHAIRMAN]

Heard the learned counsel for the parties.

2. The applicants had filed O.A. No. 76/2003 wherein, they had challenged the letter dated 21.11.2002 at Annex. A/1 issued by the respondents on the subject of principles of determining seniority of staff belonging to SC/ST category promoted earlier vis-a-vis those General/OBC

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candidates promoted later³ as well as Annex. A/2 dated 8.3.2002 on the same subject.

3. Since the impugned orders were issued by the respondents by virtue of the amendment made in the Constitution in the Principles of Article 16 (4) (A) and since the amendment in the Constitution was challenged before the Hon'ble Supreme Court, the O.A. was directed to be consigned to record vide order dated 2.12.2004 with the liberty to any of the parties to get the O.A. revived after the decision of the Hon'ble Apex Court. Now, since the Hon'ble Supreme Court has decided the issue on the question of amendment to the Article 16 (4) (A) of the Constitution, so the M.A. No. 53 of 2005 to revive the O.A. has been allowed by a separate order passed today in such M.A.



4. As regards the challenge to the impugned orders Annexs. A/1 and A/2 are concerned, since it was due to the out-come of the amendment made in the Constitution of India in its Article 16 (4) (A) which was challenged before the Hon'ble Supreme Court and the Hon'ble Supreme Court has decided the same with certain observations regarding principles of determining seniority of staff belonging to SC/ST category promoted earlier vis-

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a-vis those General / OBC candidates promoted earlier, the learned counsel for the respondents therefore submits that the O.A. may be disposed of accordingly.

5. The learned counsel for respondents also stated at Bar that in view of the judgement given by Hon'ble Supreme Court in case of **M. Nagraj and Others Vs. Union of India and Others** reported in 2006 (8) SCC 212, the respondents will issue a fresh order in the light of observations made by Hon'ble Supreme Court. Hence, in view of the same, the O.A. has become infructuous. Respondents may issue a fresh order. Applicants will have a right to challenge the same in accordance with law. O.A. is thus disposed of with no orders as to costs.



R.R. Bhandari
(R.R. Bhandari)
Admv Member

Kuldip Singh
(Kuldip Singh)
Vice Chairman

Call Rickman
on 10/01/07

forward
on 1/1/07

R/copy
on 11/11/07
