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**IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL ADDITIONAL BENCH,
BANGALORE**

(Application No.203/86(T)
(W.P.No.14515/79)

Order Sheet (contd)

Date	Office Notes	Orders of Tribunal
11.6.86	<p>This Writ Petition is obtained from High Court of Karnataka under section 29 of the Administrative Tribunals Act, 1985 on 27.2.1986.</p> <p>Submitted for Orders.</p> <p style="text-align: right;">S.O.</p> <p><u>Registrar</u></p> <p style="text-align: center;"><u>Registrar</u></p> <p>Notice to the parties through their advocates for fixing a date for hearing</p> <p>Post the case before bench on 4.7.86</p> <p style="text-align: center;"><u>Done</u> 17/6.</p>	
26-6-86	<p>Notice dt 18-6-86 issued to the Applicant & Respondents through their advocates.</p> <p>Ref.</p>	
4-7-86		<p>Sh. Srirangaiah, Advocate counsel for the respondents, undertakes to file the counter if not already filed, after service on the applicant, under this intimation to the Registry, within a fortnight. Post this case for final hearing on 5.8.86.</p> <p><u>(L.H.A. REGO)</u> <u>CH. RAMAKRISHNA RAO</u> MEMBER(A) MEMBER(J) 4.7.86 4.7.86.</p>
10.7.86	<p>Notice dt issued to Applicant R-4 & R-5 in addl.</p> <p>Ref.</p> <p>Notice served to R. Applicant & R-4.</p>	dms.

Date	Office Notes	Orders of Tribunal
30.7.86	Notice dt 9.7.86 issued to R-5 received back undelivered.	
5.8.86		13-10-86 Adj. to 10.8.10-86 at request of Shri Srirangaiah, counsel for respondents. (Bo) SR
21.8.86	Notice issued to the Advocate for Applicant 2 to R-3. Notice served to R-3. Notice issued to Advocate for Applicant in received back undelivered.	
13.10.86		CHRR/PS(M) Case called. Nobody appeared for the applicant. Shri A.N.Venugopal learned counsel for respondents 1 to 3 present. He requests short adjournment to argue the matter. Adjourned to 23.10.1986 at 10.30 A.M. Ch. Ramakrishna Rao (Ch. Ramakrishna Rao) Member (J) P. Srinivasan (P. Srinivasan) Member (A) 13/10/86
14.10.86	Notice of adjournment issued to the applicant to 14/10	tsv

**IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL ADDITIONAL BENCH,
BANGALORE**

Applicant

Doddiah Heggade

A. No.

~~203/86~~ 203/86 (T)
Order Sheet (contd)

Respondents

The Secretaries
M/o. Railways & Ors

Date	Office Notes	Orders of Tribunal
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24/X/86.

The Hon'ble Shri. Ch.
Ramakrishnas Rao (M J)

The Hon'ble Shri. P.
Srinivasan (MA)

Sri. C.V. Gotani for
applicant absent.

Sri. A.N. Venugopal
for R. present.

Arguments Concluded

Appln. is Disposed
Accordingly.

BO.

ccet. 2

(PER PSM)

This is an application, ~~initially~~ initially filed as a writ petition in the High Court, transferred from the High Court to this Tribunal.

This application was fixed for hearing today. Nobody has appeared for the applicant. Shri A.N. Venugopal, counsel for respondents, present.

The applicant who was working as Section Controller in the Southern Railways at Mysore filed the W.P. His grievance is that persons junior to him - respondents 4 and 5 - have been promoted to the higher posts of Deputy Chief Controller, while he has been left out. This supersession had been the result of reservation of posts in the higher grade to Scheduled Caste and Scheduled Tribe (SC & ST) candidates on the basis of 40-Point roster. The applicant contends that such reservation and preferential promotion contravenes his fundamental rights guaranteed under Articles 14 and 16 of the Constitution.

Shri Venugopal points out that reservation of promotional posts to SC & ST candidates had been held to be perfectly valid by the Supreme Court, and in this connection, he cited AKHIL BHARATIYA SOSHIT KARAM-CHARI SANGH (RLY.) v. UNION OF INDIA (1981 SCC (L&S) page 50).

After considering the matter, we find that the prayer of the applicant has to fail, because promotion of juniors were made to comply with the provisions for reservation of posts to SC & ST candidates. Moreover, we are told that the applicant had retired from service on 31.8.1986.

In the result, the application is dismissed; parties to bear their costs.

Ch. Ramakrishna Rao
(CH. RAMAKRISHNA RAO) (P. SRINIVASAN)
MEMBER (J)
24.X.1986.

dms.

MEMBER
24

31.12.86 *2* is added.

Date	Office Notes	Orders of Tribunal
23-1-87	<p>copy of order dt. 24-10-86 Sent to Resp No. 1 returned back undelivered. TRB.</p>	