

(23)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD.

O.A.NO. 186/89

DATE OF JUDGMENT: 5.5.95

BETWEEN:

1. Sri P.Srinivasulu Reddy
2. G.Narasimhulu
3. K.Susailam

.. Applicants..

A N D

1. Union of India, rep. by Secretary (Estb)  
Railway Board, Rail Bhavan, New Delhi.
2. The General Manager, S.C.Railway,  
Rail Nilayam, Secunderabad.
3. The Divisional Railway Manager,  
S.C.Railway, Vijayawada Division,  
Vijayawada.
4. The Senior Divisional Commercial Superintendent,  
S.S.Railway, Vijayawada Division, Vijayawada.
5. The Senior Divisional Personnel Officer,  
S.C.Railway, Vijayawada Division,  
Vijayawada.

.. Respondents.

COUNSEL FOR THE APPLICANT: SHRI G.V.Subba Rao

COUNSEL FOR THE RESPONDENTS: SHRI N.R.Devraj  
Sr./Addl.CGSC

CORAM:

HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN  
HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

CONTD.....

200

O.A.No. 186/89

Date of Order: 5.5.95

X As per Hon'ble Shri A. Bangarajan, Member (Admn.) X

\* \* \*  
Heard learned counsel for both the parties.

There are 3 applicants in the OA who are working as Travelling Ticket Inspectors under the control of R4. They all belongs to OC Community. Their next promotion is to the category of Chief Ticket Inspector in the grade of 2000-3200 (RSRP). They pray for a declaration that filling up of the posts of Chief Ticket Inspectors in Rs.2000-3200 (RSRP) in Ticket Checking Branch of Vijayawada Division, South Central Railway, by the candidates belonging to the Scheduled Castes and Scheduled Tribes in excess of the reservation of 15% and 7½% respectively as provided under the Constitution, as illegal, arbitrary, unconstitutional, and violative of Articles 14 and 16 of the Constitution of India, and consequently direct the respondents to fill up the said vacancies and future vacancies in the grade of Chief Ticket Inspectors in scale Rs.2000-3200 (RSRP) by considering the applicants herein according to their seniority in the cadre of Travelling Ticket Inspectors in grade Rs.1600-2660 (RSRP) taking into consideration their date of initial appointment and also to ensure that the prescribed percentages of 15% and 7½% reservation to the Scheduled Castes and Scheduled Tribes respectively are maintained by reverting the persons who have been promoted in excess of the quotas prescribed for the respective communities.

An interim order dt. 15.3.89 has been issued in this OA which reads as follows:-

"We direct that during the pendency of this OA, the vacancies available from time to time in regard to filling of posts of Chief Ticket Inspectors will be filled up in accordance with 40 point roster system subject to the condition that the posts held by the members of the SCs and STs do not exceed 15% and 7½% respectively at any given point of time and that if a person belonging to the SCs and STs is promoted on his own merits and not in a reserved vacancy, then for the purpose of this interim order such appointment will be excluded while computing the required percentage".



To


1. The Secretary(Estt)Railway Board, Rail Bhavan, New Delhi.
2. The General Manager, South Central Railway, Railnilayam, Secunderabad.
3. The Divisional Railway Manager, South Central Railway, Vijayawada Division, Vijayawada.
4. The Senior Divisional Commercial Superintendent, South Central Railway, Vijayawada Division, Vijayawada.
5. The Senior Divisional Personnel Officer, South Central Railway, Vijayawada Division, Vijayawada.
6. One copy to Mr.G.V.Subba Rao, Advocate, CAT, Hyderabad.
7. One copy to Mr.N.R.Devraj, SR.CGSC, CAT, Hyderabad.
8. One copy to Library, CAT, Hyderabad.
9. One spare copy.

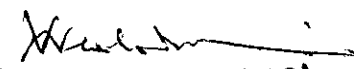
YLKR

4. It was held by the Apex Court in Sabharwal's case (1995(1) SCALE 685) that the quota for SCs and STs is only in the number of posts and not in vacancies and hence, 40 point roster has to be followed for initial filling up of the posts of operated cadre strength and subsequent vacancies have to be filled up by the category which is referable to the category of the candidates in regard to whom the vacancies had arisen. It is further held that the principle enunciated in the said Judgement in Sabharwal case which was disposed of on 10.2.95 is prospective so that the settled matters cannot be unsettled.

5. As it is observed by the Apex Court that the Judgement in Sabharwal case which was pronounced on 10.2.1995 is prospective it follows that the promotions that were made till 10.2.1995 on the basis of the interim order cannot be held as illegal. Accordingly, the interim order has to be made as final order in this OA.

6. As such, the interim order dated 15.3.89 in the OA is treated as final order in this OA in regard to promotions that were made upto and inclusive of 10.2.1995. Promotions subsequent to 10.2.1995 shall be made in accordance with the principle enunciated in Sabarwal case. OA is ordered accordingly.  
No costs./

  
(R. RANGARAJAN)  
Member(Admn)

  
(V. NEELADRI RAO)  
Vice-Chairman

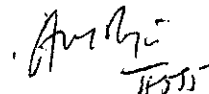
Dated: 5th May, 1995

Dictated in the open court

Dated:

Dictated in the open court

mvl

  
D. R. (J)

Contd. ---

TYPED BY  
CHECKED BY

COMPARED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

*V. Neeladri Rao, V.C.*

THE HON'BLE SHRI ~~A.V. HARIDASAN~~ MEMBER (3)

AND

*R. Rangarajan*

THE HON'BLE SHRI ~~A.B. GORTHY~~ MEMBER (1)

DATED

*5-5-95*

ORDER/JUDGMENT

M.A.NO/R.P.NO./C.P.NO.

in

O.A.NO. *186/89*

Admitted and Interim directions  
issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default

Rejected/Ordered.

No order as to costs.

YLKR

*no spare copy*

