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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

O.A.No.217/1989 Dt. of order::01st May,1995

Between

1. G. Venkataiah
2. S. Abdul Rasheed .. Applicants

and

1. Senior Divisional Personnel Officer
SCRly, Guntakkal
2. The Chief Personnel Officer, SCRly
Secunderabad
3. General Manager, SCRly, Sec'Bad
4. Govt. of India, rep by
Secretary, Min. of Railways
New Delhi. .. Respondents

Counsel for the Applicant :: Mr V. Rama Rao
Counsel for the Respondents :: Mr NR Devraj, Sr.CGSC

CORAM:

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

ORDER

As per Hon'ble Shri R. Rangarajan, Member (Admn)

Both the applicants in the OA who belong to OC community, are working as L.R.Porters at Rajampet Railway Station in Guntakkal Division of South Central Railway at the time of filing this OA. Their prayer is that they are entitled for promotion to the post of Corridar Coach Attendent in the Guntakkal Division of South Central Railway. They pray for a declaration that the reservation of posts to SC and ST categories

over and above 22 1/2% posts of Corridor Coach Attendants in Guntakkal Division is arbitrary, illegal, unjust and unconstitutional and for a further direction to the respondents not to select any employees on the basis of 40 point roster system to the reserved categories exceeding 22 1/2% in the proposed selection of 9 posts to the Corridor Coach Attendants.

2. An interim order dated 27.3.1989 has been issued relevant portion of which reads as under:

"We direct that during the pendency of this OA, the vacancies available from time to time in regard to filling up of 9 vacancies of Corridor Coach Attendants pursuant to the impugned order No.G/P/269/II/CCAs/Vol.IV dated 13.2.1989 in the scale of pay of Rs.775-1025 will be filled up in accordance with 40 point roster system subject to the condition that the posts held by the members of the Scheduled Castes and Scheduled Tribes do not exceed 15% and ~~5%~~ 7 1/2% respectively at any given point of time. However, if a person belonging to the scheduled caste or scheduled tribe 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.
....."

3. Heard learned counsel for both the parties.


4. It was held by the Apex Court in Sabharwal's case 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 the posts of operated cadre strength and subsequent vacancies have to be filled up by the category which is referable to the category of 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

..3..

of on 10.2.1995 is prospective so that the settled matters cannot be unsettled.

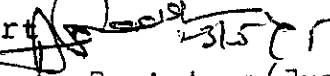
5. As it is observed by the Apex Court that the Judgement in Sabharwal case which was pronounced on 10.2.1995 is prospective, it follows that the promotion that were made till 10.2.1995 on the basis of the interim order cannot be held as illegal. Accordingly, the interim order has to be made as final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

6. As such, the interim order dated 27.3.1989 in the OA is treated as final order in this OA in regard to promotions that were made upto and inclusive of 10.2.95. Promotions subsequent to 10.2.1995 shall be in accordance with the principle enunciated in Sabharwal case. OA is ordered accordingly. No costs./


(R. RANGARAJAN)
Member (Admn)


(V. NEELADRI RAO)
Vice-Chairman

Dated: 01st May, 1995

Dictated in the open court 
31575
Deputy Registrar (Judl)

mvl

Copy to:-

1. Senior Divisional Personnel Officer, S.C. Railway, Guntur
2. The Chief Personnel Officer, S.C. Railway, Sec'bad.
3. General Manager, S. C. Railway, Secunderabad.
4. Secretary, Ministry of Railways, Govt. of India, New De
5. One copy to Sri. V. Rama Rao, advocate, CAT, Hyd.
6. One copy to Sri. N.R. Devaraj, SC for Rlys, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

Rsm/-

OA-217/89

THPED BY CHECKED BY

COMPARED BY APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

A N D

THE HON'BLE MR. R. RANGARAJAN: (M(ADMN))

DATED 11/5 1995.

ORDER/JUDGMENT: ✓

~~M.A./R.A./C.A.No.~~

OA.No. ⁱⁿ 217/89

TA.No. (W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

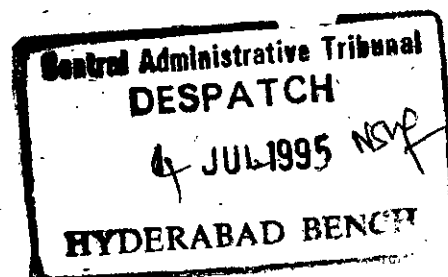
Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

~~No order as to costs.~~

No spare copy



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