

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

Monday the Third DAY OF April
ONE THOUSAND NINE HUNDRED AND EIGHTY NINE

: PRESENT :

THE HON'BLE MR. BN. JAYA SIMHA : VICE-CHAIRMAN
AND

THE HON'BLE MR. D. SURYA RAO : MEMBER (JUDL.)

ORIGINAL APPLICATION NO. 252 OF 1989

BETWEEN:-

1. R. B. Gargale ✓

2. S. B. Patil ✓

Applicants ✓

AND

And

1. The Secretary, (Establishment)
Railway Board, Rail Nilayam, New Delhi ✓
2. The Chief Personnel Officer, South Central
Railway, Rail Nilayam, Secunderabad ✓
3. The Deputy Chief Electrical Engineer,
Shops, South Central Railway, Hubli ✓
4. The Work Shops personnel officer, ... Respondents
South Central Railway, Hubli. ✓
5. The Senior Divisional Electrical Engineer,
South Central Railway, Hubli. ✓
6. The Senior Divisional personnel officer
South Central Railway, Hubli. — Respondents ✓

107
DB

in the cadre of Assistant Electrical Foreman by promoting the applicants herein according to their seniority-cum-suitability in the cadre of Electrical chageman taking into consideration their date of initial appointment and also to ensure percentage of 15% and ~~7 1/2~~ 7 1/2% quotas to SC and STs respectively are not exceeded at any given point of time. ✓

This original Application coming on for orders as to admission and interim relief, upon perusing the application and upon hearing the arguments of Mr. G.V. Subba Rao, Advocate for the Applicant and of Mr. N.R. Devaraj, standing counsel for Railways on behalf of the Respondents, the Tribunal made the following: - ✓

250 p.
✓

ORIGINAL APPLICATION NO. 252 / 1989.

Order', - The applicants herein seek to question Order No. P(EL)282/AEF/ELC'A'/GS/Pt.V dated 2-2-1989 wherein twenty persons were put on alert to appear for the suitability test (viva voce) for the post of Assistant Electrical Foreman, Grade 'A' in the Electrical Department of South Central Railway.

2. Coming on for admission, we have heard the learned counsel for the applicants and Shri N.R. Devaraj, learned ADMIT. standing counsel for the Railways. / Shri G.V. Subbarao, learned counsel for the applicants states that the S.C. ~~XXXX~~ candidates figuring at serials 12 to 20 (except serial no.17) are far below the applicants in the seniority list published in letter dated 3-8-1988 of the headquarters office (Personnel Branch), S.C. Railway, Secunderabad. He also states that the department is following the 40-point roster and the actual position is that the number of S.C. candidates exceeds 15%. In the facts and circumstances stated in the affidavit, following our decision dated 16-5-1988 in O.A.239/1988 & similar other cases, we direct by way of interim directions, that during the pendency of this application, the vacancies available from time to time in regard to filling of posts of AEF/Elec. 'A' Grade 1600-26660 (RSRP) from the cadre of Electrical Charge-man 'B' in the scale of Rs.1400-2300 in the Electrical

contd..

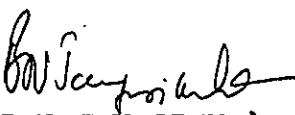
STP
02

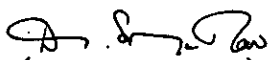
- page two -

Departments of South Central Railway will be filled up in accordance with 40 point roster system subject to the condition that the posts held by the members of SC/ST ~~does~~ not exceed 15% and 7½% respectively at any given point of time and that if a person belonging to SC/ST community is promoted on his own merits and not in a reserved vacancy, then, for the purpose of this interim direction, such an appointment will be excluded while computing the required percentage. Any promotion that would be made in ~~ex~~ pursuance of this interim order will, however, be subject to the result of the main application. The Respondents may issue a revised alert notice, if necessary.

2. (Post~~x~~ the case along with the batch of 40-point roster cases in the Railway Department.)

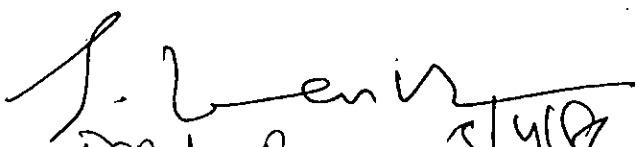
(dictated in open court)


(B.N. JAYASIMHA)
Vice-Chairman.


(D. SURYA RAO)
Member (Judl.)

3rd April, 1989.

RSR°


Deputy Registrar 5/4/89
(JS)

P.T.O. for addresses.

Am 7 typ

5/4/89
JS