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

O.A.NO. 277/89

DATE OF JUDGMENT: 26.4.95

BETWEEN:

1. R.Buchaiah
2. V.Rajeshwar Rao
3. P.Rama Tulasi Ram
4. D.Sarala
5. B.B.Raju
6. Ch.Nagender
7. P.Jagadish
8. K.M.Hari Rao
9. T.Eudur Sahib
10. N.Radhakrishna Murthy
11. V.Radhakrishnan.

.. Applicants.

A N D

1. The Secretary, Estt., Railway Board,
New Delhi.
2. The General Manager, S.C.Railway,
Rail Nilayam, Secunderabad.
3. The Chief Personnel Officer,
S.C.Rly., Rail Nilayam, Secunderabad.
4. The Chief Commercial Superintendent,
S.E.Rly., Rail Nilayam, Secunderabad. ... Respondents

COUNSEL FOR THE APPLICANT: SHRI P.V.S.S.S.Rama Rao

COUNSEL FOR THE RESPONDENTS: SHRI D.Gopala Rao
Sr./Addl.CGSC

CORAM:

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

CONTD....

Judgement

(As per Hon. Mr. R. Rangarajan, Member (Admn.))

Heard Sri P.V.SSS. Rama Rao, learned counsel for the applicants and Sri N.R. Devaraj, learned counsel for the respondents.

2. There are eleven applicants in this OA who belong to OC community. They are all Senior Clerks in the Commercial Branch under R-4. They filed this petition for a declaration that promotions given to SC & ST candidates over and above 22½% of the posts at any given point of time in the category of Head clerks alongwith other grades of Commercial Branch (Claims Group) under 40 Point Roster system are arbitrary, illegal, unjust and unconstitutional and violative of Article 14 and 16 of the Constitution of India and for further direction to R-3 to promote the employees other than the SC and ST candidates who are seniors without reference to the 40 Point roster system to the post of Head clerks.

3. An Interim order has been passed in this OA on 5-4-1989 which reads as under :

"During the pendency of this OA the vacancies available from time to time in the category of Head Clerks in the Commercial Branch (Claims Group) of SC Railway will be filled in accordance with 40 Point roster system subject to the condition that the posts held by the members of the SC and ST communities does not exceed 15% and 7½% respectively at any given point of time. If a person belonging to SC/ST is promoted on his own merits and not in a reserved vacancy, then for the purpose of computing the required per centage, such appointment will be excluded."

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4. This OA was filed on the basis of the judgement of Allahabad Court in the case of J.C. Malik vs. Union of India (1978(1) SLR 844). The principle underlying the said judgement was upheld by the Constitution Bench of the Apex Court in R.K. Sabharwal vs. State of Punjab (1995(1) SCALE 658) But it is stated in that judgement which was disposed on 10-2-1995 that it is prospective.

5. For the reasons stated in the order in TA.872/86 this OA is disposed as under :

The promotions that were made upto and inclusive of 10-2-1995 in accordance with the above interim order have to be held as valid. The promotions subsequent to that date have to be made in accordance with the principles laid down by the Apex Court in Sabharwal's case.

6. The OA is ordered accordingly. No costs. /

(R. Rangarajan)
Member (Admn.)

(V. Neeladri Rao)
Vice Chairman

Dated : April 26, 95
Dictated in Open Court

Dy. Registrar (Judl)

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Onpy to-

1. The Secretary, Esst. Railway Board, New Delhi.
2. The General Manager, South Central Railways, Rail Nilayam, Secunderabad.
3. The Chief Personnel Officer, South Central Railways, Rail Nilayam, Secunderabad.
4. The Chief Commercial Superintendent, S.C. Railways, Rail Nilayam, Secunderabad.
5. One copy to Shri P.V.S.S.S. Rama Rao, Advocate, CAT, Hyd.
6. One copy to Shri D. Gopal Rao, CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare.

OA-277/89

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 --- 26/4/1995.

ORDER/JUDGMENT:

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

OA.No. in 277/89

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

