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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH  
AT HYDERABAD

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O.A.282/89

Dt. of order:01st May,1995

Between

1. A.V. Joga Rao

2. V.Nagi Reddy

.. Applicants

and

1. Senior Divisional Commercial  
Superintendent  
South Central Railway, Vijayawada

2. The Chief Personnel Officer  
SCRly, Secunderabad

3. The General Manager,  
SCRly, Sec'bad

4. Govt. of India Rep. by  
Secretary, Min. of Rlys  
New Delhi

.. Respondents

Counsel for the Applicants :: 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)

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

Heard Shri V. Rama Rao, learned counsel for the applicant and Shri NR Devraj, Standing counsel for the respondents.

2. Both the applicants in the OA belong to OC community and are working as Goods Supervisor in the Vijayawada Division of South Central Railway. They pray for a declaration that the reservation of posts to SC/ST categories over and above 15% and 7½% respectively in the

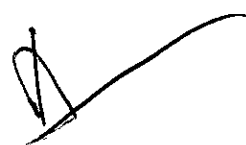
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category of commercial supervisors in any of the grades in Vijayawada Division as arbitrary, illegal and unconstitutional and for further direction to the respondents not to select any employee on the basis of 40 point roster system <sup>to reserved categories</sup> in excess of 22½% in the proposed selection of 8 posts of Commercial Supervisors.

3. An interim order in this connection was issued in this OA on 10.4.1989 and the operative portion of the order 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 the posts of commercial supervisor in the scale of Rs.2000-3200 from the posts of Goods Supervisor in the scale of Rs.1600-2660 in Vijayawada Division will be filled up in accordance with 40 point roster system subject to the condition that the posts held by the members of SC and ST 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 the reserved vacancy, such appointment will be excluded ~~from~~ while computing the required percentage....."


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 <sup>is</sup> ~~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 10.2.1995 is prospective so that the settled matters cannot be unsettled.



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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 10.4.1989 in the OA is treated as final order in this OA in regard to the promotions that were made upto and inclusive of 10.2.1995 to the category of Commercial Supervisors. 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

  
Dy. Registrar (Jud)

mvl

Copy to:-

1. Senior Divisional Commercial Superintendent, S.C.Rlys, Vijayawada.
2. The Chief Personnel Officer, S.C.Railways, Secunderabad.
3. The General Manager, S.C.Railway, Secunderabad.
4. Secretary, Ministry of Railways, Govt. of India, New Delhi
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. 282/29

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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 282/29

TA.No. (W.P.)

Admitted and Interim directions  
issued.

Allowed.

Disposed of with directions.

Dismissed.

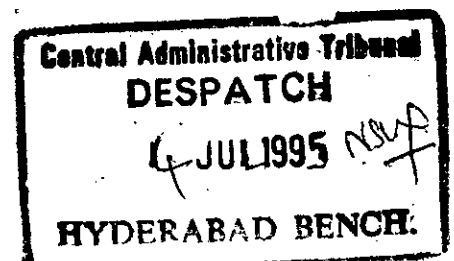
Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No. order as to costs.

NO spare copy



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