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

O.A.NO. 297/89

DATE OF JUDGMENT: 02.05.1995

BETWEEN:

1. C.Ramachandra
2. P.Raghava Ram
3. R.Elumalai

.. Applicants

and

1. Divisional Rly Manager, SCRly, Guntakkal
2. General Manager, SCRly, Sec'bad
3. Govt. of India, rep by Secretary
Min. of Railway, New Delhi

.. Respondents

COUNSEL FOR THE APPLICANT: SHRI V.RAMA 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.....

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ORDER

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. There are three applicants in this OA who are working as Asst.Station Masters in the grade of Rs.1400-2300 in Guntakkal Division of South Central Railway. Their next grade of promotion is to the grade of Rs.1600-2660. All the applicants belong to OC community. They pray for a direction to the respondents dealing the reservation of posts to SC and ST categories over and above 15% and 7½% respectively in the category of Station Masters in any of the Grades in Guntakkal Division as arbitrary, illegal and unconstitutional and for a further direction to the respondents not select any employee belonging to SC and ST on the basis of 40 point roster system to the reserved categories in excess of 22.5% in the proposed selection to the posts of Station Masters and for a further direction to revert all those employees belonging to SC and ST from the date on which the reservation quota exceeded 22.5%.

3. An interim order dated 12.4.1989 has been issued in this OA relevant portion of which reads as follows:

" ... we direct that during the pendency of this OA, the existing vacancies of Station Masters in the scale of pay of Rs.1600-2660 from the scale of Rs.1400-2300 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 7½% respectively at any given point of time. However, if a person belonging to the scheduled caste or ~~xxxxxx~~ 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..... "

To

1. The Divisional Railway Manager, S.C.Rly, Guntakal.
2. The General Manager, S.C.Rly, Secunderabad.
3. The Secretary, Ministry of Railways,
Govt.of India, New Delhi.
4. One copy to Mr.V.Rama Rao, Advocate, CAT.Hyd.
5. One copy to Mr.N.R.Devraj, SC for Rlys, CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy

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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 10.2.1995 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 12.4.1989 in the OA is treated as final order in this OA in regard to promotions that were made upto and inclusive of 10.2.1995. Promotions subsequent to 10.2.1995 shall be 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: 02nd May, 1995

Dictated in the open court

Deputy Registrar (O/c)

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 25.5.95 1995.

ORDER/JUDGMENT:

~~M.A./R.A./G.A.No.~~

OA.No. ⁱⁿ 297/89

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. Spale copy

