

(68)

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

O.A.NO. 803/89

DATE OF JUDGMENT: 03.05.1995

BETWEEN:

1. R.Ramamurthy
2. C.L.Jacob
3. A.Abdul Rawoof
4. M.Prabhakar Rao
5. T.Shaikshavali
6. K.Loganathan
7. G.Muniraja

.. Applicants

and

1. Union of India, rep by
Member (Staff) Railway Board
New Delhi.
2. Chief Personnel Officer, SCRLy
Sec'bad
3. Sr.Divisional Signal and Telecom Engr..(Maint.)
South Central Railway, Guntakkal Division
Guntakkal

4. The Sr.Divisional Personnel Officer, SCRLy Sec'bad
 5. Sri S.Munuswamy
- COUNSEL FOR THE APPLICANT: SHRI G.V.Subba Rao

COUNSEL FOR THE RESPONDENTS: SHRI N.R.Devraj
Sr./Addl.CGSC

CORAM: Sri T. Lakshminarayana, R-5

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

CONTD....

ORDER

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

Heard Shri GV Subba Rao, learned counsel for the applicant and Shri NR Devraj, Standing counsel for the respondents.

2. There are 7 applicants in this OA who belong to OC community and are working as Head Clerks in the Signal and Telecommunication Department of Guntakkal Division in the grade of Rs.1400-2300 under the control of R3. Their next grade of promotion is that of Chief Clerks in the grade of Rs.1600-2660/. In this OA, they pray for quashing the proceedings No.G/P608/V/clerks dated 14.9.1989 of the 4th respondent to the extent of Sr.No.2 Sri S. Munuswamy, SC Head Clerk, Sr.DSTE Office Works Branch, Guntakkal (5th respondent in this OA) by declaring the same as illegal, arbitrary and unconstitutional and violative of Art.14 and 16 of the Constitution in that the respondents have sought to fill up the vacancy by observing 40 point roster exceeding the reservation quota of 15% and 7½% reserved for SC and ST community against the cadre strength and applying the 40 point roster to the vacancies as illegal, arbitrary and for a consequential direction to the respondents to consider the applicants herein for promotion to the cadre of Chief Clerks based on the seniority observing that the reservation made for SC and ST candidates are not exceeded at any point of time.

3. The relevant portion of the interim order dt. 28-10-89 reads as under:-

"...There will be an interim stay of implementation of the impugned order No.G/P608/V/Clerks dated 14.9.89 in so far as respondent No.5 herein Sri Munuswamy is concerned, provided he has not been given a promotion order pursuant thereto to the post of Chief Clerk.O....."

...3...

4. MA 129/95 is filed by the respondent No.5 wherefrom it is seen that respondent No.5 in this OA has already been promoted to Office Superintendent Gr.II from the post of Chief Clerk earlier to the issue of the interim order in the OA i.e. 28.10.1989.

5. In view of the orders of the Supreme Court in Sabharwal's case (1995(1) SCALE 685) which was disposed of by an order dated 10.2.1995 promotions made on or before 10.2.1995 should not be disturbed. Hence, this OA is liable to be dismissed in view of the directions given by the Supreme Court in Sabarwal's case cited supra.

6. Accordingly, the OA is dismissed. No costs. /



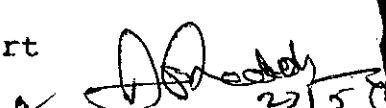
(R. RANGARAJAN)
Member(Admn)



(V. NEELADRI RAO)
Vice-Chairman

Dated:03rd May,1995

Dictated in the Open Court


23/5/95
Dy-Registrar(J)CC

mvl
To

1. The Member(Staff) Railway Board, Union of India, New Delhi.
2. The Chief Personnel Officer, S.C.Rly, Secunderabad.
3. The Sr.Divisional Signal and Telecom Engineer(Maint.) S.C.Rly, Guntakal Division, Guntakal.
4. The Sr.Divisional Personnel Officer, S.C.Rly, Secunderabad, Guntakal Divn. Guntakal.
5. One copy to Mr.G.V.Subba Rao, Advocate, CAT.Hyd.
6. One copy to M.N.R.Devraj, SC for Rlys, CAT.Hyd.
7. One copy to Mr.T.Lakshminarayana, Advocate, CAT.Hyd.
8. One copy to Library, CAT.Hyd.
9. One spare copy.

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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 3.5.95 1995.

~~ORDER~~/JUDGMENT:

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

in

~~CA.No.~~

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.

