

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

O.A.NO. 65/89.

DATE OF JUDGMENT: 28-04-95.

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BETWEEN:

1. N. Laxmanachar
2. Appa Rao

.. Applicants.

AND

1. Union of India, rep. by Secretary,
(Establishment), Railway Board,
Rail Bhawan, New Delhi.
2. General Manager, SC Rly, Rail Nilayam,
Secunderabad-500 371.
3. Chief Personnel Officer, SC Rly,
Rail Nilayam, Secunderabad-500 371.
4. Statistics and Analysis Officer,
Statistical Branch, SC Rly,
Secunderabad.
5. Sr. Electronic Data Processing (EDP)
Manager, EDP Centre, SC Rly,
Secunderabad.

.. Respondents.

COUNSEL FOR THE APPLICANT: SHRI V. Venkateswara Rao

COUNSEL FOR THE RESPONDENTS: SHRI N.R. Devaraj,
Sr. ~~Adv.~~ CGSC

CORAM:

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

CONTD. .2.

(20)

Judgement

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

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

2. There are two applicants in this OA, who belong to OC community and were working in South Central Railway as Senior Data Entry Operators at the time of filing this OA. Their prayer is for a declaration that filling up the posts of General Supervisor of the grade of Rs.1600-2600(RSRP) in the E.D.P. Branch, South Central Railway, Secunderabad, by the candidates belonging to SC & STs in excess of the Reservation of 22½% in that cadre and the constitution, as illegal, arbitrary and unconstitutional and quash the 40 Point roster being followed for filling up of the posts of each cadre by declaring it as illegal, arbitrary, and unconstitutional, with all consequential benefits such as seniority promotion, arrears of salary and allowances, etc.

3. Interim order dated 30-1-1989 has been issued in this OA. The relief portion of which reads as under :

"direct that during the pendency of this OA., the vacancies available from time to time in regard to filling up of posts of General Supervisors in the scale of pay of Rs.1600-2660 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 and that if a person belonging to the Scheduled Caste or Scheduled Tribe is promoted on his own merits

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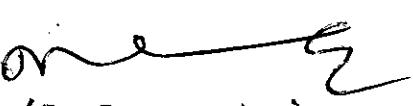
and not in a reserved vacancy, then for the purpose of this interim order such appointment will be excluded while computing the required percentage".

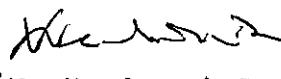
4. This OA was filed on the basis of the judgement of Allahabad Court in the case of J.C. Malik Vs. Union of India (1978 (1) SLR 844). The Principle underlying the said judgement was upheld by the Constitution Bench of the Apex Court in R.K. Sabharwal Vs. State of Punjab (1995 (1) SCALE 658). But it is stated in that judgement which was disposed on 10-02-1995 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 10-02-1995 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 : The 28th April 1995.
(Dictated in Open Court)


Deputy Registrar (J) CC

To

1. The Secretary(Estt.) Railway Board, Union of India, Railbhavan, New Delhi.
2. The General Manager, S.C.Rly, Railnilayam, Secunderabad.
3. The Chief Personnel Officer, S.C.Rly, Railnilayam, Secunderabad-371.
4. The Statistics and Analysis Officer, Statistical Branch, S.C.Rly, Secunderabad.
5. The Sr. Electronic Data Processing (EDP) Manager, EDP Centre, S C.Rly, Secunderabad.
6. One copy to Mr.V. Venkateswar Rao, Advocate, CAT.Hyd.
7. One copy to Mr.N.R. Devraj, SC for Rlys. CAT.Hyd.
8. One copy to Libray, CAT.Hyd. (9) One spare copy.

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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 28.4.95 1995.

ORDER/JUDGMENT:

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

OA. No.

TA. No.

ca 65/89.

(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.

