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

O.A. NO. 81/89

DATE OF JUDGMENT: 26.4.95

BETWEEN:

1. K.R.Dhavla  
2. K.V.Sesha Rao  
3. V.Abbai  
4. B.N.Rayudu

.. Applicants.

A N D

1. Union of India, Rep. by Secretary,  
Ministry of Home Affairs,  
New Delhi.
2. The Chairman, Railway Board,  
Rail Bhavan, New Delhi.
3. The General Manager, S.E.Railway,  
Garden Reach, Calcutta,  
West Bengal State - 700 043.
4. The Divisional Railway Manager,  
South Eastern Railway, Visakhapatnam.
5. The Divisional Personnel Officer,  
South Eastern Railway, Visakhapatnam.

.. Respondents.

COUNSEL FOR THE APPLICANT: SHRI G.Venkata 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....

Judgement

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

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

2. There are four applicants in this OA who were working as Travelling Ticket Inspectors in the Waltair Division of South Eastern Railway. They all belong to OC Category. They filed this application praying for declaration that the promotion given to SC & ST candidates over and above 22½% of the posts at any given point of time in the category of Chief Tecket Inspectors alongwith the other grades under the 40 Point Roster System are arbitrary, illegal, unjust and unconstitutional and violative of Articels 14 and 16 of the Constitution of India and for further direction to the respondents to promote the employees other than SC & ST who are in the seniority list without reference to 40 Point roster system to the post of Chief Tacket Inspectors and other grades.

3. An interim order has been issued in this OA which reads as under :

During the pendency of this OA, the vacancies available from time to time in regard to tilling of the posts of Chief Ticket Inspectors 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 do not exceed 15% and 7½% respectively at any given point of time



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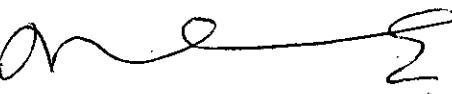
and that if a person belonging to the SC or ST is promoted on his merits and not in a reserved vacancy, then for the purpose of this interim order, such appointment will be excluded while computing the required per centage."

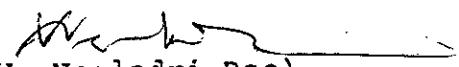
4. This OA was filed on the basis of the judgement of Allahabad Court in the case of J.C. Malik vs. Union of India (1978(1) SLR 844). The Principle underlying the said judgement was upheld by the Constitution Bench of the Apex Court in R.K. Sabharwal vs. State of Punjab (1995(1) SCALE 658). But it is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

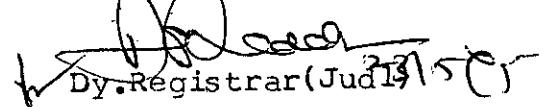
The promotions that were made upto and inclusive of 10-2-1995 in accordance with the above interim order have to be held as valid. The promotions subsequent to that date have to be made in accordance with the principles laid down by the Apex Court in Sabharwal's case.

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 (Judicial)

sk

Copy to:-

1. Secretary, Ministry of Home Affairs,  
Union of India, New Delhi.
2. The Chairman, Railway Board, Rail Bhavan, New Delhi.
3. The General Manager, S.E.Railway,  
Garden Reach, Calcutta,  
West Bengal State-700 043.
4. The Divisional Railway Manager,  
South Eastern Railway, Visakhapatnam.
5. The Divisional Personnel Officer,  
South Eastern Railways, Visakhapatnam.
6. One Smta Sriki G. Venkata Rao, Advocate, C.A.T.

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6. One copy to Shri G.Venkata Rao, Advocate, CAT, Hyderabad.
7. One copy to Shri N.R.Devaraj,  
~~Address~~ Sr.CGSC, CAT, Hyderabad Bench, Hyderabad.
8. One copy to Library, CAT, Hyderabad.
9. One spare Copy.

kku.

OA-81/89

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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 26/4/ 1995.

ORDER/JUDGMENT:

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

in  
OA.No.

81/89

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 Space <sup>COPY</sup>

