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

O.A.NO. 268/90

DATE OF JUDGMENT: 5.5.95

BETWEEN:

1. P.Satyanarayana
2. T.Ramakrishna Rao
3. P.I.Paul Victor
4. R.Mallikarjuna Rao
5. S.Ameer Basha
6. K.Mallikarjuna
7. P.V.Ramana Rao

... Applicants

and

1. Secretary (Estt.) Railway Board, Rail Bhavan, New Delhi.
2. Divisional Railway Manager, SCRly, Rail Nilayam, Hyderabad MG Division, Secunderabad.
3. Sri J.Venkata Swamy, Asst. Station Master, Mahaboobnagar
4. J.P.Keshav Gopal, ASM, Basar
5. Sri A.Anbalagan, ASM, Sailu

.. Respondents

COUNSEL FOR THE APPLICANT: SHRI G.V. SUBBA 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.....

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 are working as Asst. Station Masters in the Hyderabad MG Division under the control of R2 at the time of filing this OA. They all belong to OC community and their next avenue of promotion is to the category of Station Master Gr.II in the scale of Rs.1600-2660/-. They pray for a declaration that the proceedings of the Divisional Railway Manager, MG Division, Secunderabad letter No.YP/535/P 11/3/SM/II dated 14.3.90 is illegal and arbitrary and violative of Art.14 and 16 of the Constitution to the extent of Sl.No.13,14 and 15 Sri J.Venkata Swamy, JP Keshav Gopal and A.Anbalagan, SC candidates who are promoted to the grade of 1600-2660 in excess of the quota prescribed for them and also out of seniority and for a consequential direction to the respondents ^{1&2} to promote the applicants herein according to their seniority to the post of Station Master Gr.II in the scale of Rs.1600-2660/-.

3. An interim order dated 17.4.1990 has been issued in this OA which reads as under:

".....the respondents are directed not to fill up future vacancies by observing 40 point roster if ~~at~~ at that point of time the no. of SC & ST candidates already occupying according to the quota prescribed i.e. 15% and 7½% respectively.

4. This OA has been filed following the Judgement of the Allahabad High Court in JC Mallick Vs Union of India (1978(1)SLR 844). Though the Supreme Court in Sabharwal's case (1995(1)SCALE685) had held that there is no infirmity

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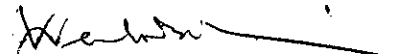
in JC Mallick's case, it was observed by the Supreme Court in Sabharwal's case that the promotions made upto and inclusive of 10.2.1995 need not be disturbed to avoid unsettling of the settled matters even if those promotions are in ~~xxx~~ excess of 22.5% reservation for SC/ST candidates. However, the Supreme Court further held in Sabharwal's case that promotions to be made on or after 11.2.1995 is to be in accordance with the norms prescribed by the Supreme Court in the said Judgement.

5. In view of the above, promotions made on or earlier to 10.2.1995 neednot be disturbed. Hence, the prayer in this OA fails and accordingly this OA is liable to be dismissed. However, it is made clear that the promotions ^{tobe} made after 11.2.95 shall be in accordance with the principle enunciated in Sabharwal's case. OA dismissed. No order as to costs.

Interim order dated 17.4.90 issued in this OA has to be treated as final order as regard to the promotions upto and inclusive of 10.2.1995./



(R. RANGARAJAN)
Member(Admn)




(V.NEELADRI RAO)
Vice-Chairman

Dated: 05th May, 1995

Dictated in the open Court

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DEPUTY REGISTRAR(J)

To

1. The Secretary(Estt), Railway Board, Rail Bhavan, New Delhi.
2. The Divisional Railway Manager, South Central Railway, Hyderabad MG Division, Rail Nilayam, Secunderabad.
3. One copy to Mr. G.V. Subba Rao, Advocate, CAT, Hyderabad.
4. One copy to Mr. N.R. Devraj, Sr. CGSC, CAT, Hyderabad.
5. One copy to Library, CAT, Hyderabad.
6. One spare copy.

YLKR