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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT : HYDERABAD

O.A. No. 113 of 1991.

Date of order: 1st Feb. 1991

Between

1. R.M. Laxminarayana,  
2. P.R. Narahari, and  
3. S. Kadirvelu

.. Applicants

Vs.

1. The Union of India rep.  
by its General Manager.  
Secunderabad.

2. The Union of India, rep.  
by its Chief Personnel Officer,  
South Central Railway,  
Secunderabad.

3. Chief Commercial Superintendent,  
South Central Railway,  
Secunderabad.

4. Union of India rep. by  
its Secretary, Railway  
Board, New Delhi.

.. Respondents

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Appearance

For the applicants : Shri E. Kalyana Ram, Advocate

For the respondents : Shri N.R. Deva Raj, Standing  
Counsel for Railways

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THE HON'BLE SHRI B.N. JAYASIMHA, VICE CHAIRMAN

THE HON'BLE SHRI J. NARASIMHA MURTHY, MEMBER (JUDICIAL)

(Judgement of the Bench delivered by Hon'ble Shri B.N.Jayasimha  
Vice Chairman

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This application is filed by 3 Head Clerks working in the Chief Commercial Superintendent's office, South Central Railway, Secunderabad. They filed this application for declaring the promotions given to the S.C. candidates over and above 15% of the posts at any given point of time in the category of Head Clerk of Commercial Branch under 40 point Roaster system is arbitrary illegal, unjust and unconstitutional and to direct the respondents to promote the employees other than SC candidates in the Commercial Branch who are senior without reference to 40 point Roster System to the post of Head Clerk. By way of interim relief they are seeking a direction to respondent No.3 to promote the applicants to the post of Chief Clerk and fill up vacancies in all grades of Commercial Branch without exceeding 15% of reservation to the SC candidates. This case has come up by way of lunch motion and we have heard the learned counsel for the applicant. The applicants have not made the parties affected i.e., SC/ST Head Clerks who are working as Head Clerks whose promotion they are questioning, as respondents. Further the applicants also have not mentioned as to when the posts of Chief Clerk are going to be filled in and whether they have made any representation to the respondents in

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regard to their contention as to why the promotions should not be made. In these circumstances, the application is liable to be dismissed both on the grounds of non-joinder of parties and also on the ground of not exhausting the alternative remedies available. The application is accordingly rejected. No order as to costs.

*B.N.Jayashimha*

(B.N. JAYASIMHA)  
VICE CHAIRMAN

*J.Narasimha Murthy*  
(J.NARASIMHA MURTHY)  
MEMBER (JUDICIAL)

Dated 1st Feb. 1991

*Easlo Devaraj*  
Deputy Registrar (Judl)

To Mys

1. The General Manager, Union of India,  
S.C.Railway, Secunderabad.
2. The ~~Mr~~ Chief Personnel Officer, Union of India,  
S.C.Railway, Secunderabad.
3. The Chief Commercial Superintendent,  
S.C.Rly, Secunderabad.
4. The Secretary, Union of India, Railway Board, New Delhi.
5. One copy to Mr.E.Kalyana Ram, Advocate  
1-1-593, Lane Opp: Balaji Talkies, Gandhinagar, Hyderabad.
6. One copy to Mr.N.R.Devraj, SC for Rbys, CAT.Hyd.Bench.
7. One copy to Hon'ble Mr J.Narasimha Murty, Member (J)CAT.Hyd.
8. One spare copy.

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