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Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

M.A. No. 966/91

in

O.A. No. 415/91.

Date of Decision : 22-8-1991

~~PLAINTIFF~~

Syed Ahmed & 14 others

Petitioner.

Shri G. Ramachandra Rao

Advocate for the
petitioner (s)

Versus

Union of India, represented by its
General Manager, S.C.Riy., Rail Nilayam,
Secunderabad & another

Respondent.

Shri N.R. Devaraj,
SC for Railways

Advocate for the
Respondent (s)

CORAM :

THE HON'BLE MR. J. Narasimha Murthy : Member (Judl)

THE HON'BLE MR. R. Balasubramanian : Member (Admn)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?
5. Remarks of Vice Chairman on columns 1, 2, 4
(To be submitted to Hon'ble Vice Chairman where he is not on the

HJNM
M(J)

HRBS
M(A)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

M.A.No.966/91

Date of Judgment 22.8.1991

in

O.A.No.415/91.

1. Syed Ahmed
2. M.Attaullah Khan
3. Aziz Khan
4. K.C.Sarathe
5. T.V.K.Sharma
6. S.Tara Singh
7. R.N.Yadav
8. Mohd. Hasham
9. S.Kamal Dass
10. M.Prakash Rao
11. A.S.D'Mello
12. Aijaz Ali
13. N.Raj Mani
14. V.R.Raja Ram
15. Dilip Singh

.. Applicants

Vs.

1. Union of India,
represented by its
General Manager,
S.C.Rly.,
Rail Nilayam,
Secunderabad.
2. Divl. Rly. Manager,
S.C.Rly.,
Rail Nilayam,
Secunderabad.

.. Respondents

Counsel for the Applicants : Shri G.Ramachandra Rao

Counsel for the Respondents : Shri N.R.Devaraj,
SC for Railways

CORAM:

Hon'ble Shri J.Narasimha Murthy : Member(Judl)

Hon'ble Shri R.Balasubramanian : Member(Admn)

I Judgment as per Hon'ble Shri R.Balasubramanian,
Member(Admn) I

This M.A. has been filed by Shri Syed Ahmed and
14 others (applicants in the O.A.) under Rule 8(3) of the
Central Administrative Tribunal (Procedure) Rules, 1987
against the Union of India, represented by its General
Manager, S.C.Rly., Rail Nilayam, Secunderabad and another,
seeking a direction to the respondents to promote

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the applicants herein to the post of Chief Ticket Inspectors in the grade of Rs.2000-3200 on ad hoc basis in the existing vacancies and to revert all the candidates belonging to Scheduled Caste and Scheduled Tribe in the category of Chief Ticket Inspectors who are in excess of the quota.

2. At the time of admitting the O.A.No.415/91, the following interim order was given:

"By way of interim orders, we direct that during the pendency of this application i.e., O.A.No.415/91 the vacancies available from time to time in regard to filling of posts of the Chief Ticket Inspectors and the Inspectors 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 to 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 and not in a reserved vacancy, then for the purpose of this interim order such appointment will be excluded while computing the required percentage. Any promotions that are made in pursuance of this order will, however, be subject to the result of the main application."

The respondents have already conducted the tests. In the course of hearing on 16.8.91 the learned counsel for the applicant alleged that the respondents have virtually stopped the selection and that they are taking recourse to ad hoc promotion based on the seniority list in the cadre of Travelling Ticket Inspectors. They are aggrieved that the seniority list in the cadre of Travelling Ticket Inspectors itself was bad because it gave the benefit of seniority to many of the candidates belonging to Scheduled Caste and Scheduled Tribe who had secured their promotion in excess of the quota in that grade. Again, operating on this gradation list for further promotion to the category of Chief Ticket Inspectors even on ad hoc basis is bad in law. Against this, the learned counsel for the respondents Shri N.R.Devaraj said that the process of selection announced in December, 1990 has not been dropped and that they are progressing with it and that the process would be completed soon and when they operate on the select list they will do so in accordance with the

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interim direction given by this Tribunal in O.A.No.415/91. Till then, they want to fill up the vacancies only on purely ad hoc basis and for this purpose the only instrument on which they can ~~rely~~ ^{operate} is the seniority list in the feeder cadre. The learned counsel for the applicant ~~has~~ pointed out that based on the Allahabad High Court and the Allahabad Tribunal decisions and in the light of the Railway Board Circular dated 19.4.88 the Central Railway had already reverted excess candidates belonging to Scheduled Caste and Scheduled Tribe. We have seen the Railway Board Circular No.B7-E(ECT-I)49/12 dated 19.4.88 addressed to the General Manager, Central Railway. This circular had been issued in the light of the judgment of the Bombay Bench of this Tribunal. We hold that this circular would be applicable to the South Central Railway also. But then, this circular as well as the interim direction given in O.A.No.415/91 are for filling up ^{of} posts on a regular basis and the learned counsel for the Railways assured that when they make the appointments on a regular basis pursuant to the selection now under process, the directions contained in the Railway Board circular would be followed.

3. We find that the Railway Board has already issued instructions which are not in conflict with the interim directions given by this Tribunal in the O.A. What is now causing the grievance to the applicant is only the ad hoc promotions which do not confer any right on the ad hoc promotees. In any case, the seniority list challenged in the O.A. is still to be adjudicated upon and that is the only gradation list in force today and for ad hoc promotions ^{We Respondents} ~~they will~~ have to follow that list only. Under these

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circumstances, we are not in a position to intervene and accordingly dismiss the M.A.No.966/91 with no order as to costs.

(J. Narasimha Murthy)
Member(Judl).

(R. Balasubramanian)
Member(Admn).

Dated 22nd August 91

To

- 1) The General Manager,
Union of India S.C.Rly.
Rail Nilayam, Secunderabad.
- 2) The Divisional Railway Manager,
S.C.Rly. Rail Nilayam, Secunderabad.
- 3) one copy to Mr. G. Ramachandra Rao, Advocate
3-4-498, Barkalpura Chennay, Hyderabad.
- 4) one copy to Mr. N.R. Devraj, SC for Plgs. CAT, Hyd.
- 5) one copy to Mr. J. Narasimha Murthy, Member(J) CAT, Hyd.
- 6) one spare copy.