

38

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

O.A.NO. 711/91

DATE OF JUDGMENT: 9.5.95

BETWEEN:

1. V.Lakshmana Rao
2. M.P.Awasthi
3. D.S.Dixit
4. G.V.Satyanarayana Rao
5. V.Sunder Rajan
6. G.S.Srinivasa Rao
7. P.Vasantha Rao
8. M.Ramachandran
9. T.R.Vardhan
10. S.Lakshminarayana
11. V.Murali Mohan Rao
12. G.Chandra Mouley
13. A. Subramanyam

.. Applicants

and

1. Member(Staff) Railway Board, Rail Bhavan, New Delhi
2. Chief Cashier, SCRly, Secunderabad
3. Financial Adviser and Chief Accounts Officer, SCRly
Rail Nilayam, Sec'bad

.. 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 G.V. Subba Rao, learned counsel for the applicant and Shri N.R. Devraj, Standing Counsel for the respondents.

2. This application has been filed by 13 applicants who are working as Senior Cashiers in the scale of Rs.1400-2300 under the control of R3. They all belong to OC community. Their next avenue of promotion is to the post of Divisional Cashier/Inspector of Cashier, in the scale of Rs.1600-2660. Their prayer in this OA is for a direction to the respondents to fill up the 13 vacancies of Divisional Cashier/Inspector of Cashier in the scale of Rs.1600-2660 by issuing a fresh alert notice that the percentage of quota fixed for SC and ST candidates shall not exceed 15 and $7\frac{1}{2}\%$ respectively and $22\frac{1}{2}\%$ both put together at any given point of time as otherwise great injustice will be done to the applicants which is violative of Art.14 and 16 of the Constitution.

3. From the file, it appears that no interim order has been issued in this OA. However, when MA 519/92 in this OA was moved, the Bench of this Tribunal gave the following direction on 9.7.92.

".....we feel that this MA could be disposed of by way of similar direction that the respondents at any point of time will not post more than 15% and $7\frac{1}{2}\%$ of scheduled caste and scheduled tribe candidates respectively of the posts at that point of time. This, however, will not preclude them from posting the scheduled caste and scheduled tribe candidates in excess of their quota if they come up on their own merit and not by virtue of the application of the 40 point roster. Such a direction is given keeping in view the decision of the Full Bench of this Tribunal."

The above direction given in the MA is similar to the usual direction given as an interim order.

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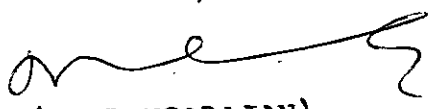
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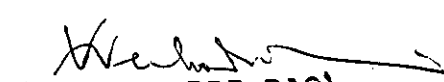
4. It was held by the Apex Court in Sabharwal's case (1995(1) SCALE 685) that the quota for SCs and STs is only in the number of posts and not in vacancies and hence, 40 point roster has to be followed for initial filling up of the posts of operated cadre strength and subsequent vacancies have to be filled up by the category which is referable to the category of the candidates in regard to whom the vacancies had arisen. It is further held that the principle enunciated in the said Judgement in Sabharwal case which was disposed of on 10.2.95 is prospective so that the settled matters cannot be unsettled.

5. As it is observed by the Apex Court that the Judgement in Sabharwal case which was pronounced on 10.2.1995 is prospective it follows that the promotions that were made till 10.2.1995 on the basis of the interim order cannot be held as illegal. Accordingly, the interim order has to be made as final order in this OA.

(519/92)

6. As such, the ~~interim~~ order dated 9.7.92 in the MA / is treated as final order in this OA in regard to promotions that were made upto and inclusive of 10.2.1995. Promotions subsequent to 10.2.1995 shall be made in accordance with the principle enunciated in Sabarwal case. OA is ordered accordingly. No costs./


(R. RANGARAJAN)
Member(Admn)


(V. NEELADRI RAO)
Vice-Chairman

Dated: 9th May, 1995


Deputy Registrar (J) CC

Dictated in the open court

Dictated in the open court

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To

1. The Member(Staff) Railway Board, Rail Bhavan, New Delhi.
2. The Chief Cashier, S.C.Rly, Secunderabad.
3. The Financial Adviser and Chief Accounts Officer, S.C.Rly, Rail Nilayam, Secunderabad.
4. One copy to Mr. G.V. Subba Rao, Advocate, CAT. Hyd.
5. One copy to Mr. N.R. Devraj, SC for Rlys. CAT. Hyd.
6. One copy to Library CAT. Hyd.
7. One spare copy.

pvm

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 9/5 1995.

ORDER/JUDGMENT:

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

OA.No. in

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 Spare copy

