

(22)

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

O.A.NO. 1002/91

DATE OF JUDGMENT: 9.5.95

BETWEEN:

1. M.S.N. Murthy
2. E.B.Suryanarayana

.. Applicants

and

1. Member(Staff)Rly Board, Rail Bhavan, New Delhi
2. Financial Adviser & Chief Accounts Officer, SCRly, Sec'bad
3. Chief Cashier, SCRly, 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 NR Devraj, Standing Counsel for the respondents.

2. This OA has been filed by two applicants who were working as Senior Cashiers in the scale of Rs.1400-2300 under R2. Their next avenue of promotion is to the post of Divisional Cashier/Inspector of Cashiers in the scale of Rs.1600-2660 and they belong to OC community. Their prayer in this OA is for a declaration that the alert notice No.A/CP/ADO/Pt.IV dated 3.7.91 issued by the 2nd respondent to fill 13 vacancies of Divisional Cashiers/Inspector of Cashiers in the grade of Rs.1600-2660 in excess of the quota fixed for SC and S communities as illegal, arbitrary and unconstitutional and violative of Art.14 and 16 of the Constitution of India for a consequential direction to the respondents to issue a fresh alert notice inviting 36 OC candidates and 3 SC candidates to fill up 12 OC and 1 SC vacancies in accordance with the seniority of the employees concerned and also direct that the quota for SC and ST Shall not exceed 22½% both put together at any given point of time.

3. An interim order dated 28.10.91 has been issued in this OA which reads as under:

"....we direct the respondents to permit Shri EB Suryanarayana Rao to appear for the test scheduled to be held on 30.10.1991.(The other applicant is permitted by the Rlys to appear for the test). His result will be with-held pending the outcome of the OA."

As per the interim order, the result of Shri EB Suryanarayana Rao, the second applicant herein, had to be with-held ^{pending disposal of this OA} It is not known whether he has passed the examination or not.

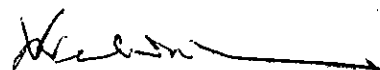
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4. However, in view of the directions given by the Apex Court in Sabharwal's case (1995(1)SCALE 685), it has to be held that promotions made on or before 10.2.1995 need not be disturbed. However promotions to be made on or after 11.2.1995 should be in accordance with the directions given by the Apex Court in Sabharwal's case cited supra. As the result of Shri EB Suryanarayana is not known, the decision of the Apex Court quoted above, will govern the appointments/promotions made earlier to 10.2.1995 and after 10.2.1995.

5. With the above direction, OA is disposed of.
No order as to costs./



(R. RANGARAJAN)
Member(Admn)



(V. NEELADRI RAO)
Vice-Chairman

Dated: 09th May, 1995


Deputy Registrar (J) CC

Dictated in the open court

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To

1. The Member(Staff) Rly.Board, Railbhavan, New Delhi.
2. The Financial Adviser and Chief Accounts Officer, S.C.Rly, Secunderabad.
3. The Chief Cashier, S.C.Rly, 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 Libraay, CAT.Hyd.
7. One spare copy.

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THPED BY

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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.

1002/91

(W.P.

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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 Spale copy

