

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

O.A.NO. 1037/91

13-6-95
DATE OF JUDGMENT: 138

BETWEEN:

K. Venkata Krishna Rao, and : Applicants
J. Sreedhara Murthy

and

1. Divnol. Rly. Manager (Personnel)
SC Rly., Hyderabad, MG Divn.
Secunderabad

2. Union of India, rep. by the
Member (Staff), Railway Board,
Rail Bhavan, New Delhi

3. Sri B.J. Lohalekar
Adhoc Chief Ticket Inspector
Aurangabad

4. Sri V. Laxmaiah
Adhoc Chief Ticket Inspector
Hyderabad MG Division
Secunderabad

5. Sri S. Velayuthan
Adhoc Chief Ticket Inspector, Poorna
6. Sri PB Ingle, Travelling Ticket Inspector
SC Rly., Akola : Respondents

COUNSEL FOR THE APPLICANT: SHRI G.V. Subba Rao, Advocate

S. Lakshma Reddy (R-5)

COUNSEL FOR THE RESPONDENTS: SHRI N.R. Devaraj
Sr./Addl. CGSC

CORAM:

HON'BLE SHRI JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

HON'BLE SHRI R. RANGARAJAN, MEMBER (ADMN.)

CONTD....

Judgement

(As per Hon. Mr. R. Rangarajan, Member (Admn.))

Heard Sri G.V. Subba Rao, learned counsel for the applicants and Sri S. Lakshma Reddy, learned counsel for R-5 and Sri N.R. Devaraj, learned counsel for the respondents.

2. This DA has been filed by the Travelling Ticket Inspectors who are in Rs.1600-2660 on the Hyderabad MG Division under the control of the Divisional Railway Manager. Their next promotion is to the post of Chief Ticket Inspector in the grade of Rs.2000-3200, which is a selection post.

3. They pray for a direction to the respondents to produce the records pertaining to the alert notice No. YP/605/Selection/CTI dated 25-3-1991 for formation of panel for the post of Chief Ticket Inspectors in scale Rs.2000-3200 issued by the Divisional Railway Manager, Hyderabad MG Division, Secunderabad and declare the same as illegal, arbitrary and unconstitutional, violative of Articles 14 and 16 of the Constitution in that the quota for SC and ST is sought to be filled up in excess of 15 and $7\frac{1}{2}$ per cent contrary to the principle laid down in Mallik's case, that at any given point of time the quota for SC and ST should not exceed $22\frac{1}{2}$ per cent put together and consequently direct the 1st and the second respondents to fill the vacancies by issuing a fresh alert notice or in the alternative direct them that the

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quota for SC and ST should not exceed 15 and 7½% respectively while finalising the selection.

4. An interim order dt. 8.11.1991 was issued which reads as under:-

"The respondents are directed to fill the posts of Chief Ticket Inspectors according to the reservation of 15% and 7½% for SC/ST on the basis of the posts and not on the basis of vacancies arising, subject to the liberty of the filling the ST vacancies by SCs, or vice-versa in accordance with the instructions contained in Chapter 16 of the Brochure on Reservation for SC and ST in Railways, 3rd Edition at pages 384 sequences. This interim order is effective for two weeks only and operative only if the applicants as alleged in the application have made representations to the Department and no reply has been given."

5. The Apex Court in R.K.Sabharwal Vs. State of Punjab [1985 (1) SCALE 658] upheld that the reservation is only in regard to the posts and not in vacancies, as directed by Allahabad High Court in J.C.Mallik's case [1978 (1) SLR 844]. Further the Apex court has also given certain directions in regard to filling up of posts on the basis of reservation in the above referred cases. But in order to avoid unsettling of the settled position it was further held in the above referred judgment of the Apex court that promotions made on or before 10.2.1995 need not be disturbed. But promotions made on or after 11-2-95 should be ordered strictly in accordance with the judgment in the Sabharwal case.

6. In view of the above, it is not necessary to disturb the promotions already made in this case and the only direction that can be given in this case is to confirm the interim order already given.

7. The OA is disposed of confirming the interim order already issued, and future promotions in this category should be strictly in accordance with the directions given

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by the Apex court in Sabharwal's case. No costs./

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(R.Rangarajan)
Member (Admn.)

Neeladri
(V.Neeladri Rao)
Vice Chairman

Dated 13th June, 1995.

Dictated in the open court.

Sk/
Grh.

Ammu
30-6-95
Deputy Registrar (J) CC

To

1. The Divisional Railway Manager (Personnel)
S.C.Rly, Hyderabad, MG Division,
Secunderabad.
2. The Member (Staff) Railway Board,
Union of India, Railbhavan, New Delhi.
3. One copy to Mr.G.V.Subba Rao, Advocate, CAT.Hyd.
4. One copy to Mr.S.Lakshma Reddy, Advocate, CAT.Hyd.
5. One copy to Mr.M.R.Devraj, SC for Rlys, CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One sparecopy.

pvm

*Surabhi
26/6/95*

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(ADMIN)

DATED 13.6.95 1995.

ORDER/JUDGMENT:

M.A./R.A./C.A. NO.

in
OA. No. 103740

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)

Central Administrative Tribunal
DESPATCH

10 JUL 1995 *NR*

HYDERABAD BENCH