

(24)

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

O.A.NO. 1142/92

DATE OF JUDGMENT: 15-6-95

BETWEEN:

M. Rangachari : Applicant

and

1. Chief Cashier
South Central Railway
Secunderabad

2. Financial Adviser & Chief Accounts Officer, SC Rly.
Secunderabad

3. Union of India rep. by
the Secretary, Railway Board
Rail Bhavan, New Delhi

: Respondents

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

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....

(23)

Judgement

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

Heard Sri [redacted] G.V. Subbarao, learned counsel for the applicant and Sri N.R. Devaraj, learned counsel for the respondents.

2. The applicant herein is working as Cashier at the time of filing this OA in the pay scale of Rs.1400-2300. His next promotion is that of Inspector of Cashier in the scale of Rs.1600-2660 which is a selection post.

3. The relief sought for in this OA is as under :

In view of the facts mentioned in para VI of the OA, the applicant prays that this Hon. Tribunal may be pleased to direct the respondents to produce the records pertaining to the impugned order and quash the same or in the alternative direct the respondents to empanel the applicant against 12th vacancy by deleting one SC candidate who has been included in excess [of] quota not on merit basis but on reservation basis by declaring non-inclusion of the applicant's name in the panel as arbitrary, illegal and unconstitutional violating Article 14 and 16 of the Constitution.

4. MA.519/92 was filed for interim direction, which was disposed of by order dated 9-7-1992. The relevant portion of this order is as under :

"Under these circumstances, 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 7½ of per cent of Scheduled Caste and Scheduled Tribe candidates respectively of the posts at that point

To

1. The Chief Cashier, S.C.Rly, Secunderabad.
2. The Financial Adviser and Chief Accounts Officer, S.C.Rly, Secunderabad.
3. The Secretary, Union of India, Railway Board, Railbhavan, New Delhi.
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

24th Jan 1960

16

3

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 application of the 40-point roster. Such a direction is given keeping in view the decision of the Full Bench of this Tribunal. The M.A.No. 519/92 is accordingly disposed of with no orders as to costs."

5. The Apex court in R.K.Sabharwal Vs.' State of Punjab X 1995(1) SCALE 658 X case held that the reservation for promotion is applicable only in regard to the posts and not in vacancies, as held by Allahabad High Court in J.C.Malik's case X 1978 (1) SLR 844 X is in order. In that judgment some more direction is given for filling up vacancies on the basis of reservation quota. However, in order to avoid unsettling of settled position it was further held in the above referred apex court judgment that promotions made on or before 10-2-1995 need not be disturbed. But promotions made on or after 11-2-1995 should be ordered strictly in accordance with the judgment of the apex court in the above referred case.

6. In view of the above, the only direction that can be given is to make the interim order final. Accordingly the interim order already issued is made final and future promotions in this category should be made in accordance with the Apex court judgment pronounced in Sabharwal's case.

7. The OA is ordered accordingly. No costs. /

(R.Rangarajan)
Member (Admn.)

Neeladri
(V.Neeladri Rao)
Vice Chairman

Dated 15th June, 1995.
Dictated in the open court.

Gr/sk.

Realty 10015 Registrar (C)

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. RangaRao (M(ADMN)).

DATED - 15/6/1995

ORDER/JUDGMENT:

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

in

OA. No.

142/95/2

TA. No.

(W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

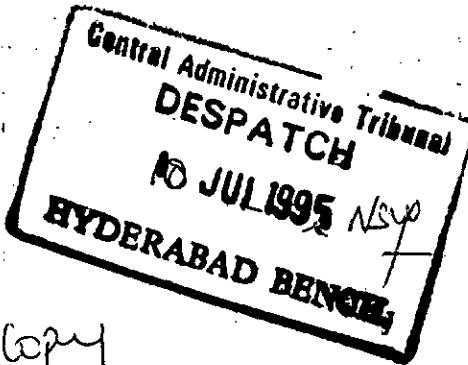
Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.



No. 142/95/2
Copy

C.O
Pl. check the delivery of Order on the defendant
and Affidavits countersigned in the order

Corrated
E
216