

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

O.A.NO. 843/93

DATE OF JUDGMENT: 4.5.95

BETWEEN:

1. P.R.Radhakrishnan

2. M.V.Subba Rayudu

3. P.Ramakrishna Rao

4. K.Jogi Naidu

5. T.Sankara Rao

6. P.J.Samuel

.. Applicants

and

1. Secretary, Min. of Rlys, New Delhi

2. General Manager, SCRly, Sec'bad

3. Divisional Rly Manager, SCRly, Vijayawada

4. M.Veeriah

5. T.Raja Rao

6. D.Nageswara Rao

7. G.Venkateshwar Rao

8. M.Aruna Kumar

.. Respondents

COUNSEL FOR THE APPLICANT: SHRI V. RAMA 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 V.Rama Rao, learned counsel for the applicant and Shri NR Devraj, Standing Counsel for the respondents.

2. There are six applicants in this OA belonging to OC community and are working as Station Superintendents in South Central Railway, in Vijayawada Division under the control of R3. They pray for a declaration that the promotions given to the scheduled castes and scheduled tribe candidates over and above 22.5% of posts at any given point of time in the category of Station Superintendent Rs.2000-3200 grade under 40 point roster system are arbitrary, illegal, unjust and unconstitutional and violative of Art.14 and 16 of the Constitution of India, after declaring the order No.B/P.487/VI/1/Restrgr./93 dated 10.4.93 issued by the third respondent. whereby R4 and R5 (SC candidates) have been promoted.

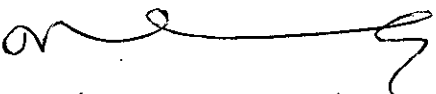
3. An interim order dated 2.8.93 was issued in this OA relevant portion of which reads as follows:

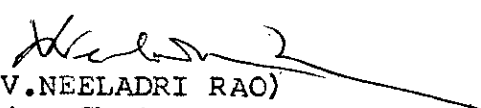
"we direct the respondents herein that the vacancies available from time to time in the station superintendents branch will be filled up in accordance with 40 point roster system subject to the condition that the posts held by the members of the scheduled castes and scheduled tribes do not exceed 15% and 7½% respectively at any given point of time and if a person belonging to 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....."

256
...3...

4. The Apex Court in Sabharwal's case (1995(1)SCALE 685) has upheld the principle laid down by the Allahabad High Court in Mallick's case (1978(1)SLR 844) wherein it was stated that the reservation is only against posts and not against vacancies. It was further held by the Supreme Court in Sabharwal's case that promotions made on or prior to 10.2.1995 need not be disturbed and guidelines given by the Supreme Court in filling up the reserved posts is effective only from 11.2.1995.

5. In view of the Supreme Court's decision quoted above, this OA is liable to be dismissed and accordingly dismissed. Promotions made on or after 11.2.1995 is to be in accordance with the directions given by the Supreme Court in Sabharwal case. We also direct that the is operative only in regard to the promotions made upto and inclusive of 10.2.1995./

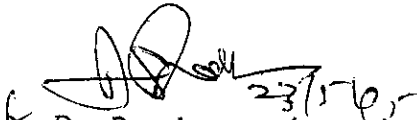

(R. RANGARAJAN)
Member (Admn)


(V. NEELADRI RAO)
Vice-Chairman

Dated: 04th May, 1995

Dictated in the open court

mvl


Dy. Registrar (Judl)

Copy to:-

1. Secretary, Ministry of Railways, New Delhi.
2. General Manager, South Central Railways, Secunderabad.
3. Divisional Railway Manager, South Central Railways, Vijayawada.
4. ~~M. Veerabhadra Rao, Station Superintendent, South Central Railway, Annayaram.~~
5. ~~P. Raja Rao, Station Superintendent, South Central Railways, Machilipatnam.~~
6. ~~D. Nageswara Rao, Station Superintendent, South Central Railways, Samalkot.~~
7. ~~S. Venkateswar Rao, Station Superintendent, South Central Railway,~~
4. One copy to Sri V. Rama Rao, Advocate, CAT, Hyd.
5. One copy to N.R. Devaraj, Sr. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

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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 4.6.1995.

ORDER/JUDGMENT:

M.A./R.A./G.A.No.

OA.No.

TA.No.

843/93

(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
23 JUN 1995
HYDERABAD BENCH.