

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 1355/93

Date of Order: 20-9-95

Between:

1. Ch.Simhachalam
2. P.Yesupadam.
3. Y.Sairam-
4. C.Venkat Rao
5. N.Rajkumar.

.. Applicants

and

1. Divisional Railway Manager,
S.C.Rly, Vijayawada.
2. The General Manager, S.C.Rly,
Railnilayam, Secunderabad.
3. The Union of India, rep. by Secretary,
Railway Board, C/o Min.of Rlys,
Railbhavan, New Delhi.
4. K.Musambaram.
5. P.J. Kantha Raju.
6. S.Rajan.
7. G.M.B.Koteswara Rao.

Respondents.

For the Applicant :- Mr. V.Rama Rao, Advocate.

For the Respondents: Mr. N.R.Devraj,
Sr./Addl.CGSC

CORAM:

THE HON'BLE MR.JUSTICE V.NEELADRI RAO : VICE-CHAIRMAN

THE HON'BLE MR.RARANGARAJAN : MEMBER(ADMN)

O.A.No.1355/95.

(34)

Date: 29-1995.

J U D G M E N T

Heard Sri V.Rama Rao, learned counsel for the applicants and Sri N.R.Devaraj, learned Standing Counsel for the respondents.

2. This OA is filed for a declaration that the Office Order Nos.T/56/1993 & T/57/93 dated 5.4.1993 of 1st respondent, whereby 25 running staff were fitted against the restructured posts of Passenger Guards is illegal and unconstitutional and for further declaration that the promotions given to Scheduled Caste and Scheduled Tribe candidates over and above 22% of the posts at any given point of time in the category of Passenger Guards under 40-point roster system is arbitrary, illegal, unjust and unconstitutional and violative of Articles 14 & 16 of the Constitution of India and ~~the~~ ^{the} ~~Passenger Guards in the scale of Rs.1350-2200 as~~ ^{Passenger Guards in the scale of Rs.1400-2600 on the} basis of seniority-cum-suitability.

3. There are 6 applicants in this OA who were working as Passenger Guards in Vijayawada Division. When revised sanction of Passenger Guards numbering 26 in the scale of Rs.1400-2600 (RSRP) arose on account of restructuring with effect from 1.3.1993 fitment orders were issued in terms of the impugned orders dt. 5.4.1993. The applicants herein contend that they are entitled to be promoted to the grade of Rs.1400-2600 immediately along with other non-SC/ST candidates and fitment of SC/ST candidates in excess of the quota prescribed for them against the restructured posts is

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contrary to the instructions in regard to promotion of SC/ST candidates. As there is excess representation of SC/ST candidates in the said grade, the applicants represented that they are to be promoted to that grade along with other non-SC/ST candidates. They represented to R-1 requesting as above. As no tangible result is achieved they had filed this OA praying as above.

4. At the time of admission an interim order dt. 29.10.1993 was issued by us. The interim order reads as follows:-

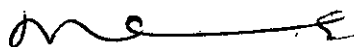
"Following the interim orders given in O.A. 759/87 and batch cases, we direct that the vacancies available from time to time in the grade of Passenger Guards in the pay scale of Rs.1400-2600 have to be filled up in accordance with 40-point roster system subject to the condition that the posts held by the members of the Scheduled Caste and Scheduled Tribes do not exceed 15% and 7½% respectively at any given point of time and if a person belonging to the 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. Any promotion that could be made in pursuance of this order will, be subject to the result of this OA..."

5. The prayer for declaration that office orders dt. 5.4.1993 is illegal, and unconstitutional cannot be given unless a clear-cut case has been made out to show that representation of SC/ST candidates is in excess already in that cadre. As there were no existing strength in the cadre as can be seen from the impugned order dt.5.4.1993, it has to be presumed that representation of SC/STs in the revised strength in the restructured cadre has to be filled in accordance with the existing rule for which the interim order has already been given.

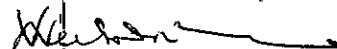
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6. In view of the above, it is fair and just, to make the interim order dt. 29.10.1993 final which clearly states that in the restructured cadre, the representation of SC/ST candidates should not exceed 15% and 7½% respectively.

7. In the result, the OA is ordered confirming the interim order already passed. No costs.//



(R. Rangarajan)
Member (Admn.)



(V. Neeladri Rao)
Vice Chairman

Dated ^{20th} Sep., 1995.

Grh.


Deputy Registrar (J) CC

To

1. The Divisional Railway Manager, S.C. Rly. Vijayawada.
2. The General Manager, S.C. Rly, Railnilayam, Secunderabad.
3. The ~~Union~~ Secretary, Union of India, Railway Board, C/o Min. of Rlys, Railbhavan, New Delhi.
4. One copy to Mr. V. Rama Rao, Advocate, 3-5-926/19/A 1st Floor, Main Road, Himayatnagar, Hyderabad.
5. One copy to Mr. N. R. Devraj, SC for Rlys. 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

and

THE HON'BLE MR. R. RANGARAJAN : M(ADMN)

DATED:- 20-9-1995.

ORDER/JUDGMENT.

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

in

O.A.No.

1355/93.

T.A.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.

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No Spare Copy

