

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

D.A. 1312/94.

Dt. of Decision : 31.1.95.

S.V.S. Nagaraju

.. Applicant.

Vs

1. Workshop Personnel Officer,
Wagon Workshop,
Guntupalli.
2. Dy. Chief Mechanical Engineer,
Wagon Workshop,
Guntupalli.
3. Chief Personnel Officer,
SC Rly, Rail Nilayam,
Secunderabad.
4. General Manager,
SC Rly, Rail Nilayam,
Secunderabad.
5. Union of India, rep. by its
Chairman, Railway Board,
New Delhi.
6. O.P. Pullaiah .. (as per court order dt.14.11.94
set-ex parte.)
7. T. Shankar Rao.

.. Respondents.

Counsel for the Applicant : Mr. K.S. Murthy

Counsel for the Respondents : Mr. V. Bhimanna, Addl. CGSC.

CORAM:

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

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

DA.1312/94

Judgement

(As per Hon. Mr. Justice V. Neeladri Rao, Vice Chairman)

Heard Sri K.S. Murthy, learned counsel for the applicant and Sri V. Sheemanna, learned counsel for the respondents.

2. R-7 is called absent. Set ex parte.
3. R-6 was set ex parte on 14-11-1994.
4. The applicant is now working as Depot Store Keeper (DSK) Gr.III. The avenue of promotion from DSK Gr.III is to DSK Gr.II. When vacancies in the category of DSK Gr.II at points 11 to 16 in the Roster had arisen, it was noticed that the SC candidates in DSK Gr.II were in excess of 15%. In view of the interim order of Full Bench of this Bench in DA.759/87 (V. Laxminarayanan vs. Union of India and others) dated 27-2-1992, SC candidate was not given promotion at Point 14. Hence, all those vacancies from Point 11 to 16 as per Roster were filled up by OC candidates. When vacancy in DSK Gr.II at Point 17 had arisen, the same was filled up by promoting ST Candidate. When now vacancies in DSK Gr.II at Point 18 and 19 in the Roster had arisen, one of those vacancies is sought to be filled up by promoting SC candidate by observing that SC candidate at Point 14 could not get promotion in view of the interim order of the Full Bench and now the per centage of SCs in DSK Gr.II had become less than 15% as one of the SCs in DSK Gr.II was promoted (vide letter dated 22-9-1994).
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5. It is stated for the applicant that he is the second amongst the OC candidates in DSK Gr.III, and when both the vacancies at Point 18 and 19 are for OCs, they have to be

To

1. The Workshop Personnel Officer,
Wagon Workshop, Guntupalli.
2. The Deputy Chief Mechanical Engineer,
Wagon Workshop, Guntupalli.
3. The Chief Personnel Officer, S.C.Rly,
Railnilayam, Secunderabad.
4. The General Manager, S.C.Rly, Railnilayam,
Secunderabad.
5. The Chairman, Railway Board, Union of India, New Delhi.
6. One copy to Mr. K.S.Murthy, Advocate, 12-2-828/A/45
Mehidipatnam, Hyderabad.
7. One copy to Mr. V.Bhimanna, ~~Advok~~ SC for Rlys, CAT.Hyd.
8. One copy to Library, CAT.Hyd.
9. One spare copy.

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filled up by promoting OC candidates only, and if one of those is going to be filled up by SC, it will be prejudicial and hence this OA is filed praying for direction to the respondents to hold selection for filling up both the vacancies in DSK Gr.II in scale Rs.1600-2660 in Vijayawada Division, with OC candidates only, after setting aside letter dated 22-9-1994 vide GR/P.608/5/Vol.IV, by declaring it as un-Constitutional and illegal.

6. The facts are not in controversy. By letter dated 22-9-1994 one of the two vacancies in category of DSK Gr.II at Points 18 and 19 in the Roster is sought to be filled by SC candidate. It is stated for the applicant that when it is a case of filling up OC points as per Roster, it is not open to the concerned Authority to find out as to whether any of the Reserved Categories in the promotion posts is less than the percentage prescribed. We accepted such a contention when similar point had arisen for consideration in OA.994/93 which was disposed of on 27-9-93. One of us (i.e. VC) was a party to the same. RP.31/94 against the order dated 27-9-1993 in OA.994/93 was dismissed by order dated 7-6-1994, to which both of us were parties.

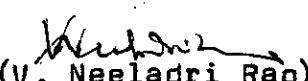
7. For the reasons stated in the order dated 27-9-1993, in OA.994/93, this OA has to be ordered as prayed for.

8. In the result, the letter dated 22-9-94 is quashed. The respondents are directed to fill the two vacancies in DSK Gr.II as against points 18 and 19 as per Roster on the basis of selection by treating both of them as unreserved.

9. The OA is ordered accordingly at admission stage.


No costs.

(R. Rangarajan)
Member (Admn)


(V. Neeladri Rao)
Vice Chairman

Dated : January 31, 95
Dictated in Open Court

sk


Deputy Registrar (S)CC

TYPED BY

HECKED

COMPARED BY

APPROVED BY

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: 31-1-1995

ORDER/JUDGEMTN:

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

in

O.A.No. 1312194

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

