

(12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

M.A.No.125/94 in

O.A.No.209/94

Dt. 17-2-1994.

Between:

1. B. Thippa Reddy

2. E.C. Varghese

.. Applicants

AND

1) Union of India represented by:

1. Secretary, MHA,
Dept. of Personnel and Administration, Govt. of India.
New Delhi.
2. Secretary, Ministry of Mines, Govt. of India.
Sastri Bhavan, New Delhi
3. Dy. Director General, Southern Region
Geological Survey of India, Bandlaguda
Hyderabad-500963

.. Respondents

....

Counsel for the applicants : Mr. V. Venkateswara Rao

Counsel for the respondents: Mr. N.R. Devaraj

CORAM

The Hon'ble Justice Mr. V. Neeladri Rao : Vice Chairman

The Hon'ble Mr. R. Rangarajan : Member (Admn.)

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M.A.No.125/94 in
O.A.No.209 of 1994.

Date: 17.2.1994.

J U D G M E N T

{ as per Hon'ble Mr. Justice V. Neeladri Rao, Vice-Chairman }

Heard Sri V. Venkateshwara Rao, learned counsel for the applicants and Sri N.R. Deva Raj, Sr. CGSC for respondents.

2. M.A.No.125/94 is allowed in the circumstances referred thereto and register the O.A.

3. This O.A. was filed praying for a declaration that filling of all the posts of U.D.Cs. and Assistants in the Organisation of R-3 by the candidates belonging to S.C. and S.Ts. in excess of reservation of 22½% on the basis of 40-point Roster is wholly arbitrary, illegal and unconstitutional and to quash the 40-point Roster as violative of Articles 14 and 16 of the Constitution of India by holding that the reservation of 22½% in favour of S.C. and S.T. should be applied with regard to the number of posts in the cadres at any point of time with all consequential benefits such as seniority, promotion, arrears of salary etc.

4. The Full Bench of C.A.T. had given the following interim direction by order dt. 27.2.1992 in O.A.No.759/87 on the file of this Bench:-

"7. We accordingly direct that the vacancies available, from time to time in the Office Superintendent's Branch will be filled up in accordance with 40-point Roster system subject to the condition that the post 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

...3/-

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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, however, be subject to the result of main application."

So long as the above interim order dt. 27.2.1992 stands, it is just and proper to pass the following order:-

So long as the interim order dt. 27.2.1992 in O.A. No.759/87 stands, the respondents are restrained from filling up the vacancies in the posts of U.D.Cs. and Assistants by way of promotion in accordance with 40-Point Roster system if the posts held by the members of Scheduled Caste and Scheduled Tribes exceed 15% and 7½% respectively, in the category of U.D.C. or in the category of Assistant as the case may be at any given point of time and if a person belonging to S.C./S.T. is promoted on his own merit and not in a reserved vacancy, then for the purpose of this order such promotion will be excluded while computing the required percentage. Any promotion that could be made in pursuance of this order will, however, be subject to the final order that may be passed in O.A.No.759/87 on the file of this Bench.

5. The O.A. is disposed of accordingly at the admission stage. No costs.

(R.Rangarajan)
Member(Admn.)

(V.Neeladri Rao)
Vice-Chairman

Dated 17th Feb., 1994.

Deputy Registrar(J)C.C.

- To Grh. Ministry of Home Affairs
1. The Secretary, Union of India, Gvt of India
Dept. of Personnel and Administration, New Delhi.
 2. The Secretary, Ministry of Mines, Sastri Bhavan, New Delhi.
 3. The Deputy Director General, Geological Survey of India, Hyd.
 4. One copy to Mr. V. Venkateswara Rao, Advocate, CAT. Hyd.
 5. One copy to Mr. N. R. Devraj, 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

AND

THE HON'BLE MR. A. B. GORTHY : MEMBER (A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY
MEMBER (JUDL)

AND

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

Dated: 16-2-1994.

~~ORDER~~/JUDGMENT:

M.A./R.A./C.A. No. 125/94

in

O.A.No.

T.A.No.

209/94

(W.F.No.)

Admitted and Interim Directions
issued.

Allowed.

Disposed of with directions. *of admission stage*

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

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