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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD.

O.A.NO. 1088/95.

Date of Order: 15-9-1995.

Between:

1. G.Antie	13. K.Satyanarayana
2. A.D.Jayagopal	14. K.Jaya Kumar.
3. K.M.Thomas Kutty	
4. Deen Mascarenhas	
5. Smt.R.Kanaka Durga	
6. Ahmed Hussain	
7. D.Raj Pal	
8. K.Lakshmaiah	
9. Bairy Rajalu	
10. T.V.Narasimha Rao	
11. P.V.Ramana Rao	
12. Sashikumarn Nair	.. Applicant

and

1. Controller of Stores,  
South Central Railways, Rail Nilayam,  
Secunderabad.
2. Chief Personnel Officer,  
South Central Railways, Rail Nilayam,  
Secunderabad.

Respondents.

For the Applicant :- Mr. G.V.Subba Rao, Advocate.

For the Respondents: Mr. N.V.Ramana, SC for Rlys.  
Sr./Add.CGSC

CORAM:

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

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

HON'BLE A.B.Gorthi : MEMBER (ADMN)

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OA 1088/95.

Dt. of Order: 15-9-95.

(Order of the Divn. Bench passed by Hon'ble Justice  
Shri V.Neeladri Rao, Vice-Chairman).

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This O.A. was filed by the 14 applicants, who are working as Head Clerks in the office of Control of Stores, Rail Nilayam, Secunderabad, praying for quashing impugned order No.P.608 (Stores)CC/91/Selection dt.24-8-95 issued by the Chief Personnel Officer, S.C.Railway, Secunderabad, by declaring it as arbitrary, illegal and unconstitutional and violative of Articles 14 and 16 of the Constitution and consequently direct the respondents to issue a fresh alert notice correctly assessing the vacancies in respect of SC, ST and OCs in terms of the judgement of the Hon'ble Supreme Court in R.K.Shabarwal Vs. State of Punjab reported in AIR 1955 SC 1371.

2. The main contention for the applicants is that the vacancies available for Scheduled Castes were not properly assessed and if the assessment is made on the principle laid down by the APEX Court in Saberwala's case ( AIR 1955 SC 1371), only one seat has to be reserved for Scheduled Castes while three are reserved as per the notification No.P/608 (StoresCC/91/Selection dt.24.8.95).

3. It is laid down in Saberwala's case that the reservation is only in posts and not in vacancies and the roster for reservation has to be followed for filling up the initial vacancies in posts and the subsequent vacancy arising in regard to slot has to be filled in accordance with the slot

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as per reservation roster and in such a case there will not be any surplus or shortfall in regard to reserved category or DCs.

4. It is submitted for the respondents that as the necessary instructions in regard to the same were not received in the Railway Board, the assessment was made in accordance with the existing instructions.

5. Hence the notification dt. 24-8-95, and the Respondents are thereby directed to assess the vacancies for the Scheduled Castes candidates in the posts of OS Gr.II on the basis of the principle laid down in Sabarwala's case for issue of fresh notification. The O.A. is ordered accordingly. No costs.//

*Franklyn*  
(A.B.GORTNI)  
Member (A)

*Mallesh*  
(V.NEELADRI RAO)  
Vice-Chairman

Dated: 15th September, 1995.  
Dictated in Open Court.

Dy. Registrar (Jud)

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Copy to:-

1. Controller of Stores, South Central Railways, Rail Nilayam, Secunderabad.
2. Chief Personnel Officer, South Central Railways, Rail Nilayam, Secunderabad.
3. One copy to Mr. G. V. Subba Rao, Advocate, CAT, Hyd.
4. One copy to Mr. N. V. Ramana, Standing Counsel for Railways, C. A. T. Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

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