


CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

Misc. Application No.674/95 &
Original Application No.266/95

Dt. of decision: 8-4-1996

Between:

B. Kesavulu .. Applicant Respondent No.1
R. Perumal. .. Applicant in M.A. 674/95
and .. Applicant in MA. 674/95

1. The General Manager, SCR,
Secunderabad.
2. Chief Personnel Officer, S.C.R.,
Secunderabad.
3. R. Perumal, Dy. Shop Superintendent,
S&T Workshop,
Secunderabad.
4. Secretary, Railway Board,
New Delhi-110 001

.. Respondents

Counsel for the applicant: Shri G. Ramachandra Rao

S/Shri

Counsel for the respondents: J.R. Gopala Rao

and

P. Vinod Kumar

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Coram

HON'BLE MR. JUSTICE M.G. CHAUDHARI : VICE CHAIRMAN *W*

HON'BLE SHRI H. RAJENDRA PRASAD

: MEMBER (A)

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M.A.No.674/95 and
O.A.No.266/95

Dt. of decision: 8-4-96

JUDGEMENT

(As per Hon'ble Shri H. Rajendra Prasad, Member (A))

Heard S/Shri G. Ramachandra Rao, B.Vinod Kumar and J.R. Gopala Rao for the applicant, R-3, and official respondents, respectively.

2. M.A. was also taken up for hearing simultaneously.
3. Shorn of all inessentialities, the following is the position:

A vacancy of Shop Superintendent arose on 1-1-95 under Respondent No.2. A total of 22 $\frac{1}{2}$ % is the outer ceiling of reservations for SC/ST for filling-up the vacancy. The total number of posts of Shop Superintendents is stated to be 8, which would mean that not more than 2 posts ~~can be reserved for SC/ST.~~ One Shri B.M. Krishna Murthy, an SC official, had been promoted earlier against one of the vacancies. One Sri Pawar, who ~~too~~ belongs to SC category, was also promoted against an existing vacancy. Sri Pawar's promotion was, however, on his own seniority and merit, and was not on account of his belonging to SC category. The vacancy which arose on 1-1-95 fell on a ST roster-point. No ST candidate fulfilling the requisite qualifications was available for posting against it. It was, therefore, contemplated

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to fill-up the post by an eligible SC candidate as is permissible under the relevant rules. The only essential consideration for doing this was that the SC candidate to be so considered for the said post had to have a minimum of 2 years of service in the feeder-category of Dy. Shop Superintendent. Alternatively, the condition relating to the minimum service in the feeder-cadre could be relaxed and waived by the General Manager on considering the merits of an individual claim and also the exigence of operational requirements. It is seen that the Zonal Office initiated a proposal on 27-12-94 for considering the case of R-3 with a view to conferring such relaxation on him.

Apparently, there was no progress in the matter until 24-2-96 when this Tribunal passed an interim order directing that status quo be maintained. The case rests at that stage.

4. After hearing the arguments of the learned counsels at length, we feel that it would be adequate, just and necessary to focus attention on the following aspects:

- (i) The base-date for any action to fill up the existing vacancy of Shop Superintendent has to be taken as 1-1-1995.

1.9.1996

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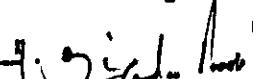
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(ii) The roster-point earmarked for an ST can be exchanged by an SC candidate subject to his fulfilling the essential requisite conditions including the condition of service, unless the particular point is dereserved.

(iii) The General Manager may, if he so chooses, accord relaxation of the condition relating to the length of service on the merits of the claim of the concerned SC candidate, and if the operational requirements require immediate filling-up of the vacancy.

(iv) The overall percentage of reservation for SC and ST officials, taken together, shall not exceed 22½%. Subject to this ceiling action as at (iii) can be taken.

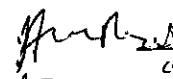
5. The case is disposed of with a direction that the General Manager, SCR shall examine the claim of R-3, as well as the applicant, as per light of the rules and instructions, the facts revealed and averments made in the O.A., in the light of the observations made above. A suitable decision shall thereafter be taken within 30 days from the date of receipt of a copy of these orders and communicated to all concerned. Thus the O.A. and M.A. are disposed of. The interim order passed on 24-2-96 is vacated.


(H. Rajendra Prasad)
Member (A)


(M.G. Chaudhari)
Vice Chairman

Dt. 8-4-96
(Open Court Dictation)

kmv


Deputy Registrar (OCC)

To

1. The General Manager, S.C.Rly,
Secunderabad.
2. The Chief Personnel Officer, S.C.Rly,
Secunderabad.
3. The Secretary, Railway Board, New Delhi-1.
4. One copy to Mr.G.Ramachandra Rao, Advocate, CAT.Hyd.
5. One copy to Mr.J.R.Gopala Rao, SC for Rlys, CAT.Hyd.
6. One copy to Mr.P.Vinod Kumar, Advocate, CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. One spare copy.

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25/4/96

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE M.G.CHAUDHARI
VICE-CHAIRMAN

AND

THE HON'BLE MR.H.RAJENDRA PRASAD :M(A)

Dated: 8 - 4 - 1996

ORDER/JUDGMENT

M.A/R.A./C.A.No. 674/95

in

O.A.No. 266/95

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 Space

केन्द्रीय प्रशासनिक अधिकार
Central Administrative Tribunal

प्रेषण/DESPATCH

24 APR 1996

हैदराबाद न्यायालय
HYDERABAD