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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

ORIGINAL APPLICATION NO.957/97

DATE OF ORDER : 30.6.1999.

Between :-

- |                      |                |
|----------------------|----------------|
| 1. K.Palaniappan     | 5. K.P.Reddy   |
| 2. P.F.Augustine     | 6. P.A.Sinha   |
| 3. Dr.J.Simhachalam  |                |
| 4. S.V.Satyanarayana | ... Applicants |

And

1. Union of India, rep. by its Secretary,  
M/o Personnel, Public Grievances & Pensions,  
Dept.of Personnel & Training, New Delhi.
2. The Secretary to Govt.,, M/o Mines,  
Govt. of India, Sastri Bhavan, New Delhi-110 001.
3. The Director General, Geological Survey of India,  
27, Jawaharlal Nehru Rd, Calcutta-700 016.
4. The Dy. Director General, Southern Region,  
G.S.I.Complex, Bandlaguda, Hyderabad.
5. The Dy. Director General, Training  
Institute, GSI Complex, Bandlaguda, Hyd.
6. Sri Leela D.Gaikwad
7. M.Shanmugam
8. Beta Ramalingeswara Rao
9. Cheman Lal
10. D.S.Simodiya
11. Dorji Angrup Rapa
12. Udayan Samadder
13. M.Mahadevaswamy
14. D.N.Rahate
15. Biras Tirkey
16. D.T.Kamble
17. A.Sundaramurthy
18. V.Palaniswamy
19. A.P.C.Shekar
- ... Respondents

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Counsel for the Applicants : Shri K.Venkateshwar Rao

Counsel for the Respondents : Shri B.N.Sharma, Sr.CGSC

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CORAM:

THE HON'BLE SHRI R.R.ANGARAJAN : MEMBER (A)  
THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (J)

(Order per Hon'ble Shri R.Rangarajan, Member (A))

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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Heard Sri K.Venkateshwar Rao, learned counsel for the applicants and Sri B.N.Sarma, learned Standing Counsel for the Respondents. Notice is not served on Respondents 6, 7, 13, 15, 16 and 19. Eventhough notice is not served on private respondents, in view of the decision that is going to be taken in this O.A., we do not consider it necessary.

2. The applicants in this O.A. are aggrieved by memo No. 20011/1/96-ESTT(1) dated 30.1.1997 issued by Respondent No.1 in seeking to implement the supreme Court judgement dated 10.10.1995 in the Union of India Vs. Virpal Singh Chauhan's & others (JT 1995 (7) SC 23 )relating to fixing seniority of SC and ST officials promoted earlier vis-a-vis general candidates promoted which is illegal, arbitrary, discriminatory and violative of Articles 14,16 and 21 of the contitution of India.


3. In the present O.A., the applicants are senior Geologists belonging to OC community. They submit that those SC/ST candidates promoted earlier to them to the post of Sr.Geologist by virtue of roster point should be shown as juniors for consideration for promotion to the next higher grade. It is an undisputed fact that SC/ST candidates whom the applicants want to be brought down in seniority were promoted earlier to 10.10.95. The Department of Personnel has issued memorandum dated 30.1.1997 (Annexure-I page-10 to the OA)to the following effect :-

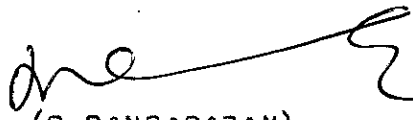
"Provided that if a candidate belonging to the Scheduled Caste or the Scheduled Tribe is promoted to an immediate higher post/grade against a reserved vacancy earlier than his senior general/OBC candidate who is promoted later to the said immediate higher post/grade, the general/OBC Candidate will regain his seniority over such earlier promoted candidate of the Scheduled Caste and the Scheduled Tribe in the immediate higher post/Grade."

The applicants counsel submits that the above memorandum of Department of Personnel & Training will squarely apply in this case and even though the SC/ST candidates <sup>were</sup> promoted against roster point earlier to 30.1.1997.

4. The above issue had been considered in a very detailed fashion in OA 1720/97 (D.Sukumar & Others Vs. Union of India & others) in ~~its~~ <sup>the</sup> judgement dated 16.6.1999 and it was held that the Supreme Court's judgement is only prospective and not retrospective. Hence those SC/ST candidates promoted earlier to 30.1.97 will get their seniority as per earlier rule i.e. the date of entry into the Sr.Geopogist will decide their seniority in that cadre.

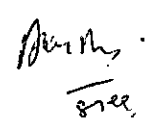
5. Hence the present OA cannot be allowed and has to be dismissed. Accordingly it is dismissed. No costs.

  
(B.S. JAI PARAMESHWAR)  
Member (J)  
30.6.99

  
(R. RANGARAJAN)  
Member (A)

Dated: 30th June, 1999.  
Dictated in Open Court.

avl/



28/7/99  
1st AND 11th COURT.

COPY TO:-

1. HDHND
2. HHRP M(A)
3. HBSJP M(J)
4. D.R. (A)
5. SPARE

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH, HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR  
VICE - CHAIRMAN

THE HON'BLE MR. H. RAJENDRA PRASAD  
MEMBER ( ADMN )

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

THE HON'BLE MR. D.S. JAI PARAMESHWAR  
MEMBER ( JUDL )

ORDER. Date. 30.6.99

ORDER / JUDGMENT

MA./RA./CP.NO

IN

DA.NO. 957/97

ADMITTED AND INTERIM DIRECTIONS  
ISSUED.

ALLOWED.

C.P. CLOSED

R.A. CLOSED.

D.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED / REJECTED

NO ORDER AS TO COSTS.

