

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 6th August, 2001

OA No.396/99

1. V.K.Sharma s/o Shri G.L.Sharma now a days working as Office Superintendent (Mech) DRM Office, Kota.
2. R.C.Sharma s/o Shri Ganga Sahai r/o Kota now a days working as Office Superintendent (Mech), DRM Office, Kota.
3. Sajjan Singh Rajawat s/o Shri Keshar Singh r/o Kota now a days working as Office Superintendent (Mech), DRM Office, Kota.

..Applicants

Versus

1. Union of India through the General Manager, Western Railway, Churchgate, Mumbai.
2. The Executive Director (Est.) (Res) Railway Board, Rail Bhawan, New Delhi.
3. The Divisional Railway Manager, Kota Division, Western Railway Kota.

.. Respondents

Mr. S.K.Jain, counsel for the applicants

Mr. U.D.Sharma, counsel for respondents

CORAM:

Hon'ble Mr. S.K.Agarwal, Judicial Member

Hon'ble Mr.A.P.Nagrath, Administrative Member

ORDER

Per Hon'ble Mr. A.P.Nagrath, Administrative Member


The applicants have challenged the order dated 24/28.7.99 issued by respondent No.1 circulating therein copy of the Railway Board's letter dated 24.6.99 on the subject of consideration of SC/ST candidates against general posts. This letter of the Railway



Board is in the form of clarificatory communication on issues relating to SC/ST candidates in respect of promotion against general posts. By this application the general order of the Railway Board has been challenged and no particular order of the respondent Department infringing the rights of the applicants has been contested. Obviously, the issue relates to interpretation of the policy relating to reservation in promotions.

2. This application is filed in August, 99. In the meantime the law relating to reservation in matter of promotion has been finally settled by the Constitution Bench of Hon'ble the Supreme Court in the case of Ajit Singh Juneja and ors. v. State of Punjab and ors., called Ajit Singh-II reported in 1999 SCC (L&S) 1239. Their Lordships of the Supreme Court spelt out four main points for consideration, and laid down the guidelines on each of those points. As a natural consequence of these orders, any orders issued relating to the matters of reservation policy prior to this judgment and not in conformity with the law laid down in this judgment, shall now stand modified to bring them in line with the principles enunciated by the Apex Court. It is not necessary for the Courts or Tribunals to go into every circular issued by the Government on the subject of reservation policy, prior to this judgment of the Apex Court, to identify deviations and to direct the Departments for corrective action. The Departments are expected to take notice of these principles on their own and to take steps to ensure that all seniority lists are reviewed and, if necessary, recast so that there is scrupulous adherence to the orders/directions of Hon'ble the Supreme Court in Ajit Singh-II.

3. In view of this, we are not inclined to interpret the circular impugned before us. We consider it adequate to dispose of this OA by directing the respondents that in all matters of promotion of general category candidates and candidates belonging to SC/ST



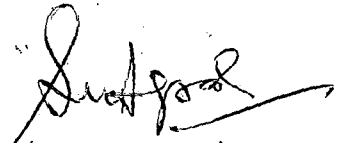
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categories, the rights/claims of the employees shall be determined strictly in accordance with the law laid down by Hon'ble the Supreme Court in Ajit Singh-II (supra).

4. This OA stands disposed of accordingly. No order as to costs.


(A.P.NAGRATH)

Adm. Member


(S.K.AGARWAL)

Judl. Member