

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A No. 926/2012

This the 24th day of October, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Pradeep Kumar, Member (A)**

1. L. L. Singhvi,
S/o. Late Sh. Roshanlal Singhvi,
R/o. Type III/04, Central Excise Colony,
Opp. Delhi College, Indore (M.P.),

2. K. D. Venkatraman
S/o. Late Sh. Deoraj,
R/o. 10, Regency Priyadarshan,
Near Khajrana Churah, Ring Road,
Indore (M.P.) ...Applicants

(By Advocate : Ms. Jasvinder Kaur with Ms. Soumya Swaroop)

Versus

1. Union of India,
Through
The Revenue Secretary,
Department of Revenue,
Ministry of Finance,
Government of India,
North Block, New Delhi.

2. Central Board of Excise & Customs,
Through its Chairman,
Ministry of Finance,
Department of Revenue,
North Block, New Delhi.

3. The Chief Commissioner Bhopal,
Central Excise Zone,
M.P. & Chattisgarh,
Central Revenue Building,
Opp. Maida Mill, Husangabad Road,
Bhopal (Madhya Pradesh).

4. The Commissioner Indore,

Customs & Central Excise,
Manik Bagh Palace,
Indore, Madhya Pradesh.

5. R. G. Thool
6. Kripa nand Bharti
7. P. H. Madne
8. R. B. Gedam
9. K. J. Waghmare
10. A. S. Wasnik
11. A. J. Bhave
12. M. M. Mandhe
13. P. T. Padole
14. Jasram Kindo
15. P. P. Kujur
16. C. R. Gaur
17. A. K. Yadav
18. Gangadhar Mazi
19. Sanjay P. Bais
20. H. S. Parakhade
21. V. G. Pawar
22. T. N. Nipane
23. N. C. Verma
24. Sunil Kaushal
25. J. C. Solanki

26. Vinod Kumar
27. Dharmanand Bhotemange
28. Kishore Kumar
29. Hrishikesh Deep
30. Govind Ram Malviya
31. Sanjay Thool
32. Premsha Jhariya
33. A. M. Kawle
34. S. E. Mate
35. B. N. Dongre
36. Anil Pandole
37. Sudesh Bagde
38. Ajay Bhatkar
39. B. B. Sudame
40. Mohanlal Ubnare
41. Anil Goswami
42. U. S. HadkeRespondents

(The respondents no. 5 to 42 be served through Respondents No. 3)

O R D E R (O R A L)

Justice L. Narasimha Reddy, Chairman :

This O.A is filed challenging the order dated 17.07.2009 passed by the Central Board of Excise and

Customs (CBEC) in relation to reservation of certain posts in favour of SC/ST candidates in the Organisation in the context of cadre re-structuring and filling up all the upgraded posts on promotion. The applicants belong to unreserved categories and they feel aggrieved by the method of reservation that was being followed after the department was restructured. Through communication which is impugned in this O.A, the Government required all the cadre controlling authorities to follow the principles laid down by the Hon'ble Supreme Court in **Union of India Vs. Pushpa Rani**, 2008 (9) SCC 242.

2. Earlier to that the applicants made a representation in this behalf. Through letter dated 19.11.2007, the Chairman, CBEC informed the applicants that various points raised by them would be considered and a decision would be taken after the issue, which was pending adjudication, before the Hon'ble Supreme Court, is resolved. The applicants contend that view taken by the respondents cannot be sustained in law.

3. Various respondents filed their own counter affidavits opposing the O.A.

4. The case was heard at length at one stage and on noticing that the issue, which arose in the O.A, is under consideration by the Hon'ble Supreme Court vis-a-vis order passed by the Patna Bench of this Tribunal in O.A 36/2003, and accordingly adjourned the matter sine die through order dated 03.04.2017.

5. We heard Ms. Jasvinder Kaur, learned counsel for applicants and Mr. Hanu Bhaskar, learned counsel for respondents.

6. The issue involved in this O.A has several ramifications, in the context of the enforcement of reservation in favour of SC/ST candidates, at the stage of promotion and in the context of restructuring of the department. Recently, the Hon'ble Supreme Court dealt with this matter extensively in **Jarnail Singh & Others V. Lachhmi Narain Gupta & Others** in W.P. (C) No. 30621/2011. In the light of this development, the respondents have to take a view vis-a-vis the claim of the applicants.

7. We, therefore, dispose of the O.A directing the respondents to pass appropriate order on the representations, dated 19.11.2007 which is part of record

in this O.A. If any further information is needed, they shall gather the same from the concerned source or from the applicants and pass orders within a period of three months from the date of receipt of a certified copy of this order. There shall be no order as to costs.

(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/Mbt/