

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

ORIGINAL APPLICATION NO.170/00559-567 /2016

DATED THIS THE 21st DAY OF AUGUST, 2018

HON'BLE SHRI DR. K.B. SURESH, MEMBER (J)

HON'BLE SHRI CV.SANKAR MEMBER (A)

1. S.K. Pusti,
S/o Ashutosh Pusti,
Aged about 34 years,
Working as Loco Pilot Goods,
Harihar Depot,
South Western Railway,
Mysore Division.

2. P. Venkata Seshaih
S/o Srinivasulu,
Aged about 36 years,
Working as Crew Controller,
Chikjajur Depot,
S.W. Railway,
Mysore Division,
R/a Mahalingappa Layout,
Harihar-577 601.

3. Syed Abdul Nasarvalli,
S/o S.A. Khuddus,
Working as Loco Pilot Goods,
Harihar Depot, S.W. Railway,
Mysore Division,
R/a Railway Qrs No.92/B,
Harihar-577 601.

4. A.K. Shukla,
S/o S.N. Shukla,
Aged about 35 years,
Working as Loco Pilot Goods,
Harihar Depot, S.W. Railway,
Mysore Division,
R/a Railway Qrs No.88/1,
Harihar-577 601.

5. A.J. Samuel,
 S/o A.D. Samuel,
 Aged about 35 years,
 Working as Loco Pilot Goods
 Harihar Depot, S.W. Railway,
 Mysore Division,
 Residing at Mahalingappa Layout,
 Harihar-577 601

6. Dinesh Kumar,
 S/o Bindeshwar Bhagat,
 Aged about 30 years,
 Working as Loco Pilot Goods
 Harihar,
 S.W. Railway,
 Mysore Division,
 Residing at 1st Main Road,
 Keshavnagar,
 Harihar-577 601.

7. A.K. Mandal,
 S/o Sanatan Mandal,
 Aged about 39 years,
 Working as Loco Pilot Goods,
 Harihar Depot, SW Railway,
 Mysore Division, Harihar.

8. Demullu Lekkala,
 S/o Sree Ramulu,
 Aged about 40 years,
 Working as Loco Pilot Goods,
 Chikkajajur,
 Mysore Division,
 S.W. Railway,
 Residing at 0/22/Q,
 2nd Cross, Nehrunagar,
 Near Siddarama High School,
 Chikkajajur.

9. D.N. Pathak,
 S/o K.D. Pathak,
 Aged about 36 years,
 Working as Loco Pilot Goods
 Chikkajajur Depot,
 S.W.Railway, Chikjajur

APPLICANTS

(By Shri B.S. Venkatesh Kumar,..... Advocate)

Vs.

1. Union of India represented by
General Manager,
South Western Railway,
Headquarters Office,
Gadag Road, Hubli-580 020.
2. Senior Divisional Personnel Officer,
Divisional Office, Mysore Division,
South Western Railway,
Mysore.
3. Senior Divisional Mechanical Engineer
Divisional Office, Mysore Division,
South Western Railway,
Mysore.
4. Railway Board represented by
its Chairman,
Ministry of Railways,
Rail Bhavan,
New Delhi-110 001.
5. Dharmendra Pal,
Father's name not known,
Major,
Working as Loco Pilot Goods,
Mysore Division,
South Western Railway,
Arsikere Depot.
6. Ajai Kumar,
Father's name not known,
Major,
Working as Loco Pilot Goods,
Arsikere Depot.
7. Sarat Kumar Malik,
Father's name not known,
Major,
Working as Loco Pilot Goods,
South Western Railway,
Harihar Depot
8. Surendra Kumar Varma,
Father's name not known, Major,
Working as Loco Pilot Goods,
South Western Railway,
Sakleshpurti Depot.

9. Chandrashekhar Madar,
 Father's name not known, Major,
 Working as Loco Pilot Goods,
 South Western Railway,
 Harihar Depot

10. Surendra Kumhare,
 Father's name not known, Major,
 Working as Loco Pilot Goods,
 South Western Railway,
 Arsikere Depot,
 Arsikere (Hassan District)

11. Suresh Kumar,
 Father's name not known,
 Major,
 Working as Loco Pilot Goods,
 South Western Railway,
 Harihar Depot

RESPONDENTS

(By Shri J.Bhaskar Reddy, Railway Standing Counsel for R1to4)

ORDER (ORAL)

DR. K.B. SURESH, MEMBER (J):

1. Heard. This matter is covered by Nagraj judgement and Sabarwal judgement and the matters now being adjudicated by the Hon'ble Apex Court in its Constitution Bench. It will be judicial impropriety for us to adjudicate this matter right now as the Hon'ble Apex Court is deciding the question of reservation following Nagaraju judgement. Therefore, we will pass an conditional order today. As regards the question of reservation this matter is now disposed of holding that that question will be left open till the Hon'ble Apex Court enters a finality and in the interregnum the respondents can pass an order in accordance with the law of the land subject to the result of the Hon'ble Apex Court judgement to be rendered soon. But, then if at all

anybody is granted any benefit it will be the specific understanding that this will be subject to the Hon'ble Apex Court judgement and will without any other follow up procedure will be adjusted against the effect of that judgement and only on this specific undertaking such benefit shall be given out to any party.

2. But at the same time since the other questions are unrelated to reservation and also lying in it which we will now give liberty to the applicants to agitate that matter further in another proceeding without the issue of reservation. As the reservation issue will be decided by the Constitution Bench of the Hon'ble Apex Court only and we will only follow it up blindly.

3. This OA is now disposed off with the above direction.
No order as to costs.

(CV.SANKAR)
MEMBER (A)

(DR. K.B. SURESH)
MEMBER (J)

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Annexures referred to by the applicant in OA No.559-567 / 2016

Annexure A1: Copy of Impugned order dated 28.7.2015

Annexure A2:Copy of Impugned order dated 22.2.2016

Annexure A3:Copy of Seniority list dated 31.12.2012

Annexure A4:Copy of Seniority list dated 22.1.2016

Annexure A5:Copy of RBE No.119/97

Annexure A6:Copy of interim order dated 23.7.2015

Annexure A7:Copy of interim order dated 24.2.2016

Annexure A8:Copy of letter dated 21.2.2016 of Northern Railway

Annexures referred to by the respondents in reply

Annexure R1: Copy of RBE No.114/1997

Annexure R2:Copy of Railway Board letter dated 7.8.2002

Annexure R3: Copy of RBE No.126/2010

Annexure R4: Copy of DoP&T letter dated 29.3.2007

Annexure R5: Copy of Railway Board Letter dated 29.5.2007

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