

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

ORIGINAL APPLICATION NO.170/00919-920 /2015

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. V. Ravishankar,
S/o V. Ramakrishnaiah,
Aged about 44 years,
Loco Pilot Goods,
Castle Rock, Hubli Division,
South Western Railway,
R/a Flat No.54,
Kalpataru Apartments,
M.T.Colony, Gadag Road,
Hubli.
2. CH. Govinda Rao,
S/o Jaggapadu,
Aged about 41 years,
Working as Loco Pilot Goods,
Hubli Division,
South Western Railway,
Aswath Niwas, Joshi Compound,
Patel Nagar, Hospet.

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, Hubli Division,
South Western Railway,
Headquarters Office,
Gadag Road, Hubli-580 020.
3. Assistant Divisional Personnel Officer/M
Divisional Office, Hubli Division,

South Western Railway,
Headquarters Office,
Gadag Road, Hubli-580 020.

4. Tapas Biswas,
Father's name not known,
Major,
Working as Loco Pilot Goods,
Hubli Division,
South Western Railway,
Gadag Road, Hubli-580 020.
5. Ajay Biswas Minz,
Father's name not known,
Major,
Working as Loco Pilot Goods,
Castle Rock,Hubli Division,
South Western Railway,
Gadag Road, Hubli-580 020.
6. Railway Board represented by
its Chairman,
Ministry of Railways,
Rail Bhavan,
New Delhi-110 001.

RESPONDENTS

(By Shri J.Bhaskar Reddy, Railway Standing Counsel for R1to3)

**(R4 & 5 Set Ex-parte)
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.919-920 / 2015

Annexure A1: Copy of Impugned order dated 30.7.2015

Annexure A2:Copy of Seniority list of Loco Pilot Goods

Annexure A3:Copy of Representation of the second applicant

Annexure A4:Copy of Representation of the first applicant

Annexures referred to by the respondents in reply

Annexure R1: Copy of DoP&T letter dated 29.3.2007

Annexure R2:Copy of the Constitution (77th amendment)

Annexure R3: Copy of the Constitution (81st amendment)

Annexure R4: Copy of the Constitution (85th amendment)

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