

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/001775-1793 /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. Govinda Rao, aged 42 years
S/o Jaggappadu,
Loco Pilot (Goods),
Working as Crew Controller/Hospet
South Western Railway,/br/>Hospet RS., Bellary Dt.
Residing at 'Aswath Nivas',
Joshi Compound,
Patel Nagar, Hospet 583201

2. V. Ravi Sankar, aged 44 years, ..
S/o Rama krishnaiah
Loco Pilot (Goods)
South Western Railway/
Castle Rock R.S.,
U. Kannada Dt.
Residing at Flat No_S-4,
Kai patha ru Apartment
M.T. Colony, Gada g Road,
Hubli- 580 020P

3. C.Chandra Sekhar,aged 44 years, ..
S/o V.Chella Durai,
Loco Pilot (Goods)
South Western Railway/
Castle Rock R.S.,
U. Kannada Dt.
Residing at House No.38,
Lakshmipuram
Near Capitanio School,
Hubli- 580 020

4.Shajimon S.aged 42 years
S/o Sivan K
Loco Pilot (Goods),
Working as Crew Controller/Belagavi
South Western Railway/Belagavi

Residing at Flat No.GA-3,
Pratamesh Residency,
Station Road, (Near Kubera Hostel)
Miraj PO.,Sangli District,
Maharashtra 416410.

5. Nandagopalan A,aged 37 years,
S/o Adinarayanan,
Loco Pilot (Goods)
South Western Railways/
Castle Rock R.S.,
U. Kannada Dt.
Residing at Flat No.305,
MK.Paradise Apartments,
Mallikarjun Nagar, Keswapur
Hubli- 580 023

6. S.Sargunathan,aged 39 years,
S/o Sundaresan,
Loco Pilot (Goods)
South Western Railways/
Castle Rock R.S.,
U. Kannada Dt.
Residing at Flat No.103,
MK.Paradise Apartments,
Mallikarjun Nagar, Keswapur
Hubli- 580 023

7. Girish C,aged 35 years,
S/o Ramachandran KP
Loco Pilot (Goods)
South Western Railways/
Castle Rock R.S &PO.,
U. Kannada Dt.
Residing at Flat No.204,
Balaji Apartment,
Stage II, Pacific Park, Gadag Road,
Hubli- 580 020

8. Jineesh Chandran,aged 35 years,
S/o Ravindran KP
Loco Pilot (Goods)
South Western Railways/
Castle Rock R.S &PO.,
U. Kannada Dt.
Residing at Flat No.204,
Mahendra Apartment,
Stage II, Pacific Park, Gadag Road,
Hubli- 580 020

9. Sunil M, aged 37 years, ..
S/o Muruka Murthy
Loco Pilot (Goods)
South Western Railway/ Hubli
Residing at Flat No.104,
Mahendra Apartment,
Stage II, Pacific Park, Gadag Road,
Hubli- 580 020

10. Mohanan AR, aged 44 years, ..
S/o AS.Ramamkutty
Loco Pilot (Goods)
South Western Railway/Hubli
Residing at Flat No.102,
Balaji Apartment,
Stage II, Pacific Park, Gadag Road,
Hubli- 580 020

11. Joshi CK, aged 39 years, ..
S/o Ramadasan P
Loco Pilot (Goods)
Working as Crew Controller/Hubli
South Western Railway/ Hubli
Residing at Flat No.204,
Mahendra Apartment,
Stage II, Pacific Park, Gadag Road,
Hubli- 580 020

12. Atanu Samantha, aged 38 years, ..
S/o Jagannath Samantha,
Loco Pilot (Goods)
South Western Railway/ Hubli
Residing at Shalini Seethal,
Prakash Colony,
Gadag Road, Hubli- 580 020

13. Thajeesh PT, aged 40 years, ..
S/o late K.Thankappan
Loco Pilot (Goods)
South Western Railway/Hubli
Residing at Flat No.103,
Balaji Apartment,
Stage II, Pacific Park, Gadag Road,
Hubli- 580 020

14. Joseph KD, aged 38 years, ..
S/o Devassey KD,
Loco Pilot (Goods)
Working as Power Controller/Hubli
South Western Railway/Hubli

Res iding at Flat No.002,Balaji Apartment,
Stage II, Pacific Park, Gadag Road,
Hubli- 580 020

15. Govinda Rao, aged 42 years
S/o Nagaiah,
Loco Pilot (Goods),
South Western Railway,/Hospet RS.,
Ballary District.
Residing at House No.143-B, 1st Floor,
VII Cross, Basaveswara Badavani,
Hospet

16. B.Kartikeswara Rao, aged 44 years
S/o B.Pentaiah,
Loco Pilot (Goods),
South Western Railway,/Hospet
Ballary District.
Residing at Nagaveni House,
Teachers' Colony,
MP.Prakash Nagar, Hospet 583201,

17. P.Kishore Kumar, aged 33 years
S/o P.Vijaya Chandran,
Loco Pilot (Goods),
South Western Railway,/Hospet
Ballary District.
Residing at House.No.12/875, Ananya,
Behind Honda Showroom, II Cross
Amaravathi, Hospet 583201,

18.S.Suridemudu, aged 38 years
S/o Ramu
Loco Pilot (Goods),
Working as Crew Controller/TNGL
South Western Railway,
C/o Office of the Chief Controller/
Crew Booking Lobby
Toranagallu RS &PO

19.RV.Nagabhushana Rao, aged 43 years
S/o late R.Subba Rao
Loco Pilot (Goods),
South Western Railway,/Hospet
Ballary District.
C/o Office of the Chief Crew Controller/
Hospet RS &PO PIN 583201,

APPLICANTS

(By Shri TC.Govindaswamy,..... Advocate)

Vs.

1. Union of India represented by the General Manager, South Western Railway, Headquarters Office, Hubli-580 020, Dharwar Dt.Karnataka.
2. The Divisional Railway Manager, South Western Railway, Headquarters Office, Hubli Division, Hubli-580 020, Dharwar Dt.Karnataka.
3. The Senior Divisional Personnel Officer, South Western Railway, Headquarters Office, Hubli Division, Hubli-580 020, Dharwar Dt.Karnataka.
4. The Secretary to the Government of India, Ministry of Railways, Rail Bhavan, New Delhi-110 001.
5. Tapas Biswas, Loco Pilot /Goods, Working as Crew Controller South Western Railway, Hubli Railway Station, Hubli-580 020
6. S.Kartic, Loco Pilot/ Goods, South Western Railway,/ Castle Rock R .S & PO, U. Ka nnada Dt.
7. Ajay Biswas Minz, Loco Pilot/ Goods, South Western Railway,/ Castle Rock R .S.& PO,, U. Ka nnada Dt.
8. S.Venkatesan, Loco Pilot/ Goods, South Western Railway,/ Castle Rock R .S.& PO,, U. Ka nnada Dt.

9. KT.Donawade,
Loco Pilot/ Goods,
South Western Railway,/br/>Castle Rock R .S.& PO,,
U. Ka nnada Dt.
10. Ramachandra Vitappa,
Loco Pilot/ Goods,
South Western Railway,/br/>Hubli R .S.& PO,,
Hubli- 580 020
- 11.BS.Bansode,
Loco Pilot/ Goods,
South Western Railway,/br/>Bijapur (Vijayapura) R .S.& PO,,
- 12.Patta Kantha Rao,
Loco Pilot/ Goods,
South Western Railway,/br/>Hospet RS.& PO,, ,
Ballary District.
13. Sridhar Yamunappa,
Loco Pilot/ Goods,
(Working as Power Controller/
Head Quarters)
South Western Railway,/br/>Hubli R .S.& PO,,
Hubli- 580 020
- 14.Anurag MS.
Loco Pilot/ Goods,
South Western Railway,/br/>Vascodagama RS.& PO,
Goa.
- 15.Shaiju EK,
Loco Pilot/ Goods,
South Western Railway,/br/>Vascodagama RS.& PO,
Goa.
16. TS.Biswas,
Loco Pilot/ Goods,
South Western Railway,/br/>Hubli R .S.& PO,,
Hubli- 580 020

17. Pramod Kumar,
Loco Pilot/ Goods,
South Western Railway,/br/>Hubli R .S.& PO,,
Hubli- 580 020

18. Sudersan Choudhary,
Loco Pilot/ Goods,
Working as Crew Controller
South Western Railway,/br/>Hubli R .S.& PO,,
Hubli- 580 020

19.L.Dhanunjaya,
Loco Pilot/ Goods,
South Western Railway,/br/>Hospet RS.& PO,, ,
Ballary District.

20. Sevya Naik Kathroth
Loco Pilot/ Goods,
South Western Railway,/br/>Hubli R .S.& PO,,
Hubli- 580 020

21. Gopendra Singh Dhruw
Loco Pilot/ Goods,
South Western Railway,/br/>Hubli R .S.& PO,,
Hubli- 580 020

22. Jowakin Kandula
Loco Pilot/ Goods,
South Western Railway,/br/>Hubli R .S.& PO,,
Hubli- 580 020

23.Anil Oraon
Loco Pilot/ Goods,
South Western Railway,/br/>Hubli R .S.& PO,,
Hubli- 580 020

RESPONDENTS

(By Shri J.Bhaskar Reddy, Railway Standing Counsel for R1 to 4)
(By Shri T.Narayana Swamy, Counsel for R 7,13,14,19 & 23)

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.1775-1793 /2015

Annexure A1: Copy of Memo dated 9.12.2015

Annexure A2:Copy of RBE No.119/97 dated 5.7.97

Annexure A3:Copy of Seniority list dated 16.10.2014

Annexure A4:Copy of representations

Annexure A5:Copy of order dated 9.12.2015

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