

**Central Administrative Tribunal  
Principal Bench, New Delhi**

O.A. No.1855/2015

Tuesday, this the 30<sup>th</sup> day of April 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Ms. Aradhana Johri, Member (A)**

1. All India Federation of Customs, Central Excise & Service Tax SC/ST Employees Welfare Organization (Regd.)  
Through Shri K P S Rai, President  
Age 60 years, Supdt.  
Reg. office 229-C, Pocket C  
Mayur Vihar Phase II, Delhi
2. B K Pabri s/o Shri Babu Ram  
Age 59 years, President  
Supdt.  
428 Gangotri Apartments  
Pkt 1, DDA, Sector 12, Dwarka, New Delhi

..Applicants  
(Mr. Rajeev Sharma, Advocate)

Versus

1. The Union of India through its Secretary  
Ministry of Finance,  
Department of Revenue, North Block, New Delhi
2. The Chairman,  
Central Board of Excise & Customs, New Delhi
3. Union of India through its Secretary  
Department of Personnel & Training  
Ministry of Personnel, Public Grievances & Pensions  
North Block, New Delhi

..Respondents  
(Mr. S K Tripathi, Advocate for Mr. Gyanendra Singh, Advocate)

**O R D E R (ORAL)**

**Justice L. Narasimha Reddy:**

The subject matter of this O.A. depends upon the interpretation of law relating to the reservation in promotions in

favour of SC / ST. The O.A. was adjourned *sine die* on 18.11.2016, in view of the fact that the Hon'ble Supreme Court has referred the issue decided in **M. Nagaraj & others v. Union of India & others**, JT 2006 (9) SC 191 to a Larger Bench in **Jarnail Singh & others v. Lachhmi Narain Gupta & others**, 2018 (11) SCALE 520. On 26.09.2018, the Hon'ble Supreme Court rendered its judgment in **Jarnail Singh's** case wherein certain aspects of judgment in **M. Nagaraj** were explained.

2. In the recent past, the Hon'ble Delhi High Court issued certain directions for implementation of the judgment in **Jarnail Singh's** case. However, that has been stayed by the Hon'ble Supreme Court. In this scenario, it would not be competent or proper for the Tribunal to adjudicate this O.A. The parties have to await the outcome of the pending adjudication before the Hon'ble Supreme Court and work out the remedies accordingly.

3. We, therefore, close the O.A. leaving it open to the parties to work out the remedies depending upon the final outcome of the pending adjudication before the Hon'ble Supreme Court.

There shall be no order as to costs.

( **Aradhana Johri** )  
Member (A)

( **Justice L. Narasimha Reddy** )  
Chairman

**April 30, 2019**  
/sunil/