

Central Administrative Tribunal Principal Bench, New Delhi

O.A. No.1855/2015

Tuesday, this the 30th 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/