

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

Original Application Nos. 1507, 1509, 1522 of 2015 & 247 of 2016

Date of Order: 22.03.2019

OA No. 1507 of 2015

Between:

1. S. Nageweswa Rao, S/o. Appala Naidu,
Aged 36 years, Occ: Technician Gr. III,
O/o. The Senior Section Engineer (Electrical General),
Train Lighting, New Coaching Complex,
East Coast Railway, Waltair Division, Visakhapatnam.
2. D. Rama Prasad, S/o. Appa Rao,
Aged 34 years, Occ: Technician Gr. III,
O/o. The Senior Section Engineer (Electrical General),
Train Lighting, New Coaching Complex,
East Coast Railway, Waltair Division, Visakhapatnam.

...Applicants

And

1. Union of India, Represented by
The Chairman, Railway Board,
Ministry of Railways, Rail Bhavan, New Delhi.
2. The General Manager, East Coast Railway,
Chandrasekharpur, Bhubaneshwar.
3. The Divisional Railway Manager (P),
East Coast Railway, Waltair Division, Visakhapatnam.
4. S. Ananda Rao, Occ: Train Lighting Fitter Grade III,
O/o. The Senior Section Engineer, Electrical General,
East Coast Railway, Jagdalpur – 494001, Chattisgarh.

... Respondents

Counsel for the Applicants ... Mr. K.R.K.V. Prasad
Counsel for the Respondents ... Mrs. Vijaya Lakshmi, Advocate for
Mr. T. Hanumantha Reddy, SC for Rlys

OA No. 1509 of 2015

Between:

1. R. Vara Prasad, S/o. R. Appa Rao,
Aged 40 years, Occ: Technician Grade I,
O/o. The Senior Section Engineer (Coaching),
Carriage & Wagon Depot, East Coast Railway,
Waltair Division, Visakhapatnam.

2. Sk. Yusuf, S/o. Sk. Sukur,
Aged 44 years, Occ: Technician Grade I,
O/o. The Senior Section Engineer (Coaching),
Carriage & Wagon Depot, East Coast Railway,
Waltair Division, Visakhapatnam.
3. N.V.A. Raju, S/o. Pydaiah, Aged 39 years,
Occ: Technician Grade I,
O/o. The Senior Section Engineer (Mechanical) RYD,
Carriage & Wagon Depot, East Coast Railway,
Waltair Division, Visakhapatnam.
4. P. Srinivasa Rao, S/o. P. Appa Rao,
Aged 41 years, Occ: Technician Grade I,
O/o. The Senior Section Engineer (Coaching),
Carriage & Wagon Depot, East Coast Railway,
Waltair Division, Visakhapatnam.
5. B.V.A. Sitaram, S/o. B. Trinadhulu,
Aged 44 years, Occ: Technician Grade I,
O/o. The Senior Section Engineer (Mech.),
Carriage & Wagon Depot, Ore Exchange Yard,
East Coast Railway, Waltair Division, Visakhapatnam.
6. V. Suri Babu, S/o. V. Venkatanarayana,
Aged 43 years, Occ: Technician Grade I,
O/o. The Senior Section Engineer (Coaching),
Carriage & Wagon Depot, East Coast Railway,
Waltair Division, Visakhapatnam.

...Applicants

And

1. Union of India, Represented by
The Chairman, Railway Board,
Ministry of Railways, Rail Bhavan, New Delhi.
2. The General Manager, East Coast Railway,
Chandrasekharpur, Bhubaneshwar.
3. The Divisional Personnel Officer,
East Coast Railway, Waltair Division, Visakhapatnam.
4. Kilo Jagannadham, Occ: Senior Technician,
O/o. The Senior Section Engineer,
Carriage & Wagon Depot, Raw Material Unloading Yard,
Visakhapatnam Steel Plant Siding,
East Coast Railway, Waltair Division, Visakhapatnam.
5. K. Koteswara Rao, Occ: Senior Technician,
O/o. The Senior Section Engineer,
Carriage & Wagon Depot, Raw Material Unloading Yard,

Visakhapatnam Steel Plant Siding, East Coast Railway,
Waltair Division, Visakhapatnam.

6. M. Ramana, Occ: Senior Technician,
O/o. The Senior Section Engineer,
Carriage & Wagon Depot, Raw Material Unloading Yard,
Visakhapatnam Steel Plant Siding,
East Coast Railway, Waltair Division, Visakhapatnam.

... Respondents

Counsel for the Applicants ... Mr. K.R.K.V. Prasad

Counsel for the Respondents ... Mrs. Vijaya Lakshmi, Advocate for
Mr. T. Hanumantha Reddy, SC for Rlys

OA No. 1522 of 2015

Between:

1. A. Ramesh, S/o. A. Rama Rao,
Aged 41 years, Occ: Senior Technician,
O/o. The Senior Section Engineer (Breakdown),
Carriage & Wagon Depot, East Coast Railway,
Waltair Division, Visakhapatnam.

2. T. Sanyasi Rao, S/o. T. Surya Rao,
Aged 42 years, Occ: Senior Technician,
O/o. The Senior Section Engineer (Central Sickline)
Carriage & Wagon Depot, East Coast Railway,
Waltair Division, Visakhapatnam.

3. A. Jagadeswara Rao, S/o. A. Babu Rao,
Aged 40 years, Occ: Senior Technician,
O/o. The Senior Section Engineer (Coaching),
Carriage & Wagon Depot, East Coast Railway,
Waltair Division, Visakhapatnam.

4. Y. Lakshmana Rao, S/o. Y. Gopala Rao,
Aged 45 years, Occ: Senior Technician,
O/o. The Senior Section Engineer (Breakdown),
Carriage & Wagon Depot, East Coast Railway,
Waltair Division, Visakhapatnam.

5. S. Kesava Rao, S/o. S. Sanyasi Rao,
Aged 47 years, Occ: Senior Technician,
O/o. The Senior Section Engineer (Coaching),
Carriage & Wagon Depot, East Coast Railway,
Waltair Division, Visakhapatnam.

6. K. Mohan Rao, S/o. K. Challayya,
Aged 46 years, Occ: Senior Technician,
O/o. The Senior Section Engineer (Coaching),
Carriage & Wagon Depot, East Coast Railway,
Waltair Division, Visakhapatnam.

... Applicants

And

1. Union of India, Represented by
The Chairman, Railway Board,
Ministry of Railways, Rail Bhavan, New Delhi.
2. The General Manager, East Coast Railway,
Chandrasekharpur, Bhubaneshwar.
3. The Divisional Railway Manager,
East Coast Railway, Waltair Division, Visakhapatnam.
4. The Senior Divisional Personnel Officer,
East Coast Railway, Waltair Division, Visakhapatnam.
5. Dhananjaya Baig, Occ: Senior Technician,
O/o. The Senior Section Engineer (C&W),
East Coast Railway, Waltair Division,
Rayagada, Chattisgarh State.
6. B. Ananda Rao, Occ: Senior Technician,
O/o. The Senior Section Engineer (Coaching),
East Coast Railway, Waltair Division, Visakhapatnam.

... Respondents

Counsel for the Applicants ... Mr. K.R.K.V. Prasad
 Counsel for the Respondents ... Mrs. Vijaya Lakshmi, Advocate for
 Mr. T. Hanumantha Reddy, SC for Rlys

OA No. 247 of 2016

Between:

Md. Isaq Sheriff, S/o. late Md. Ibrahim Sheriff,
 Aged 42 years, occ: Technician Mill Wright Grade – III,
 O/o. The Senior Section Engineer (C&W) (Coaching),
 East Coast Railway, Waltair Division, Visakhapatnam.

... Applicant

And

1. Union of India, Represented by
The Chairman, Railway Board,
Ministry of Railways, Rail Bhavan, New Delhi.
2. The General Manager, East Coast Railway,
Chandrasekharpur, Bhubaneshwar.
3. The Divisional Railway Manager,
East Coast Railway, Waltair Division, Visakhapatnam.
4. The Divisional Personnel Officer,
East Coast Railway, Waltair Division, Visakhapatnam.

... Respondents

Counsel for the Applicant ... Mr. K.R.K.V. Prasad
 Counsel for the Respondents ... Mrs. A.P. Lakshmi, SC for Rlys

CORAM:

Hon'ble Mr. Justice L Narasimha Reddy, Chairman
Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

ORAL ORDER

{As per Hon'ble Mr. Justice L Narasimha Reddy, Chairman}

In all these OAs, the issue pertains to reservation in promotion to certain categories of posts in the Railways.

2. Learned counsel for the applicants and the learned counsel for the respondents agree that the very issue has been dealt with by this Tribunal in OA No. 1162/2013 and batch through order dt. 11.01.2019.
3. In view of the same, these OAs are allowed, with the following directions:
 - (1) the East Coast Railway or the Railway administration, in general shall take a policy decision indicating the parameters for introduction and implementation of the reservation in promotions, which shall include:
 - (i) the verification of the representation of the category of Scheduled Castes & Scheduled Tribe employees in the post or cadre for promotion to which, reservation is sought to be effected and the resultant effect of any on the efficiency of the administration;
 - (ii) the manner in which the concept of creamy layer shall be applied in enforcing such reservations in promotions; and
 - (iii) the duration up to which the promotion shall be in force.
 - (2) The views of the Association of Scheduled Caste & Scheduled Tribe employees on the one hand and the Association of employees in

general on the other hand, shall be taken into account before such parameters are identified.

- (3) Unless and until a decision at the level of Ministry of Railways & Railway Board is taken as regards the implementation of the reservation in promotions, the same shall not be effected at the lower levels.
- (4) If such guidelines already exist in respect of any post or cadre, reservations in promotion can be made to such posts or cadre, duly referring to the relevant guidelines and administrative orders.
- (5) If any promotions have taken place contrary to the law as it exists now, it shall be open to the Railway administration to take corrective steps. Pending such action, the promotions so made shall be treated as provisional, without giving rise to any right to seniority in the promoted post.
- (6) The entire exercise indicated above shall be completed within a period of six months from the date of receipt of a copy of this order.
- (7) In almost all the O.As, Miscellaneous Applications are filed with a prayer to delete the Railway Board as a party to the O.As. After considering the matter at length, we are of the view that the presence of the Railway Board is very much essential since policy decisions are to be taken. Therefore, we reject the prayer made in the M.As. All the M.As shall stand disposed of.
- (8) There shall be no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN

(Dictated in open court)
Dated, the 22nd day of March, 2019