

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15010 of 2017

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1. The Union of India through the General Manager, East Central Railway, Hajipur, Vaishali, Bihar.
 2. The Divisional Railway Manager, Danapur Division, East Central Railway, Danapur, Khagaul, Patna.
 3. The Senior Divisional Mechanical Engineer (C & W), East Central Railway, Danapur, Khagaul, Patna.
 4. The Senior Divisional Personnel Officer, East Central Railway, Danapur, Khagaul, Patna.

.... Petitioner/s

Versus

1. Md. Yaqub Ansari Son of Late Md. Khalil Ansari Safaiwala under Senior Section Engineer (C & W), East Central Railway, Rajendra Nagar Coaching Complex, Patna.
2. Jawahar Lal Yadav Son of Late Krishna Yadav Khalashi, under Senior Section Engineer (C & W), East Central Railway, Rajendra Nagar Coaching Complex, Patna.
3. Shiv Kumar Son of Late Medani Kumar Rai Khalasi under Senior Section Engineer (C & W), East Central Railway, Rajendra Nagar Coaching Complex, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shekhar Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 14-11-2017

Heard counsel for the Railways.

Perused the order dated 02.06.2017 passed in O.A.582 of 2013 by the Central Administrative Tribunal, Patna Bench, Patna.

So long as the Constitution Bench judgment of the Hon'ble Supreme Court rendered in M. Nagaraj Vs. Union of India reported in (2006)8 SCC 212 stands, benefit of reservation in



promotion cannot be granted.

The Tribunal therefore has applied the principles and set aside the panel and directed the Railways to redraw the panel without giving the benefit of reservation to the scheduled castes and scheduled tribes candidates in the matter of grant of promotion from the post of Class-D post.

Similar view of the Tribunal has also been upheld by the High Court and, therefore, no interference is warranted with the decision of the Tribunal in the present writ application.

The Court also deprecates the conduct of the Railways authorities because they seem to be committing same kind of abrasion time and again which only shows that they have no respect for law. In fact the Court was inclined to impose exemplary cost upon the Railways for such repeated violations which are not condonable.

In view of the above, writ is dismissed. Let the order of CAT be complied forthwith.

(Ajay Kumar Tripathi, J)

Arvind/-

(Rajeev Ranjan Prasad, J)

AFR/NAFR	
CAV DATE	
Uploading Date	16.11.2017
Transmission Date	

