EAST COAST RAILWAY

प्रधान मुख्य कार्मिक अधिकारी का कार्यालय/
Office of the Principal Chief Personnel Officer
रेल सदन, द्वितीय तल, भुवनेश्वर - 751017
Rail Sadan, IInd Floor, Bhubaneswar-751017

स्थापना क्रमांक/ Estt. Srl. No. 123/2020
पूतरे/कार्मिक/आर/ECoR/Pers/R/Reservation **Date: 11.09.2020**

सेवा मे,
सभी प्रमुख विभागाध्यक्षों/समन्वयक विभागाध्यक्षों, पू त रे/भुवनेश्वर
मं.रे.प्र/व.मं.का.अधिकरी/मं.का.अधिकारी-खोरधारोड,वालातेरू, संबलपुर,
मु.कारखाना प्रबंधक/कारखाना कार्मिक अधिकारी- मंचेश्वर, अतिरिक्त रजिस्ट्रार/रेल दावा अधिकरण,
उ.मु.का अधिकारी(नि.)/भुवनेश्वर
महा सचिव/इकोर श्र. कां., महा सचिव/इकोर श्र. यू.,
महा सचिव/एआई ओ बी सी आर ई ए, महा सचिव/ ए आई एस सी एस टी आर ई ए

Sub: Hon'ble Supreme Court judgement dated 15.09.2017 in the SLP(C) No. 9574 of 2013 filed by All India Adiwasi Employees Federation against judgement dated 20.12.2012of Hon'ble High Court of Bombay, Nagpur Bench- Appointment of candidates belonging to Halba Koshti/Halbi Koshti/ Koshti, etc. castes against vacancies reserved for the Scheduled Tribes-regarding.

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उपर्युक्त विषय पर रेलवे बोर्ड पत्र सं.- 2018-E(SCT)1/25/12 दिनांक 24.09.2018 की प्रतिलिपि सूचना, मार्गदर्शन एवं आवश्यक कार्रवाई हेतु अग्रेषित है।

A copy of Railway Board's Lr. No. 2018-E(SCT)1/25/12 Dated 24.09.2018 on the above quoted subject is forwarded herewith for information, guidance and necessary action.

Encl: As above,

(R.N.A.Parida)
Chairman Railway Recruitment Cell
***For* Principal Chief Personnel Officer**

प्रतिलिपि प्रेषित/Copy to :

1) महाप्रबंधक के सचिव/पूर्व तट रेलवे, भुवनेश्वर
2) मुकाधि/मुकाधि(प्रशा.), उप म.प्र, अध्यक्ष(रेलवे भर्ती प्रकोष्ठ)
3) उप मुख्य प्रबंधक(सू.प्रौ), उप मुकाधि(औ.सं.एवं कल्याण), वकाधि(इंजी.)
4) वकाधि(स्टाफ), वकाधि(मुख्या. एवं न्याया.)
5) मुकाधि के निजी सचिव/सहा.कार्मिक अधि.(मुख्या.),सहा.कार्मिक अधि.(कल्याण), सहा.कार्मिक अधि.(विल),

02/1018212
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05.10.18

PcPo (Loco)

RBE No. 149/2018

भारत सरकार GOVERNMENT OF INDIA
रेल मंत्रालय MINISTRY OF RAILWAYS
(रेलवे बोर्ड RAILWAY BOARD)

No. 2018-E(SCT)I/25/12 New Delhi, dated 24.09.2018

The General Managers (P) ~~D.L.W~~ Varanasi
All Indian Railways
and Production Units.

Sub: Hon'ble Supreme Court judgment dated 15.09.2017 in the SLP(C) No. 9574 of 2013 filed by All India Adiwasi Employees Federation against judgment dated 20.12.2012 of Hon'ble High Court of Bombay, Nagpur Bench- Appointment of candidates belonging to Halba Koshti/Halbi Koshti/Koshti, etc. castes against vacancies reserved for the Scheduled Tribes-regarding.

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A copy of Ministry of Personnel, Public Grievances and Pensions' (Department of Personnel & Training) O.M. No. 36012/12/2013-Estt.(Res.) dated 30.08.2018 on the above subject is enclosed herewith for information/compliance and bringing to the notice of all concerned.

DA : As above.

प्र० मु० यां० इंजी० P.C.M.E.		प्र० मु० कार्मिक अधि० P.C.P.O. (LD)	D
प्र० वित्त सला० P.F.A.		प्र० मु० यां० इंजी० C.E.E.T.	
प्र० मु० [illegible] P.C.S.M.		[illegible]	

(U.N. Mehta)
Joint Director Estt.(Res.)I

25/10/18

Contd.

Circulate
10/10/18

No. 36012/12/2013-Estt.(Res.)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training
Establishment (Reservation-I) Section

North Block, New Delhi
Dated August 30th , 2018

OFFICE MEMORANDUM

Subject: Hon'ble Supreme Court Judgment dated 15.09.2017 in the SLP(C) No. 9574 of 2013 filed by All India Adiwasi Employees Federation against judgment dated 20.12.2012 of Hon'ble High Court of Bombay, Nagpur Bench - Appointment of candidates belonging to Halba Koshti/ Halbi Koshti/ Koshti, etc. castes against vacancies reserved for the Scheduled Tribes - regarding

The undersigned is directed to refer to this Department's Office Memorandum No. 36011/2/2010-Estt.(Res.) dated 10.08.2010 wherein it was, inter-alia, stated that the persons belonging to the 'Halba Koshti/ Koshti' caste who got appointment against vacancies reserved for the Scheduled Tribes on the basis of Scheduled Tribe certificates, issued to them by the competent authority, under the Constitution (Scheduled Tribes) Order, 1950 (as amended from time to time) relating to the State of Maharashtra and whose appointments had become final on or before 28.11.2000, shall not be affected. However, they shall not get any benefit of reservation after 28.11.2000.

2. The aforesaid OM dated 10.08.2010 was challenged in the Writ Petition No. 5287/2011 along with Writ Petition No. 4283/2010, filed by All India Adiwasi Employees Federation in Hon'ble High Court of Judicature at Bombay, Nagpur Bench, wherein it was, inter-alia, prayed that the OM dated 10.08.2010 be quashed and set aside by holding it to be illegal. The Hon'ble High Court rejected the aforesaid petition vide order dated 20.12.2012 observing that the impugned OM squarely makes the law laid down by the Apex Court applicable to all such appointment of the Halba/Koshti, which have become final on or before 28th November, 2000. The Hon'ble Court also held that rather than finding the said office memorandum to be unconstitutional or illegal; it is in consonance with the laws laid down in the judgment of the Apex Court. Against this order of the Hon'ble High Court of Bombay, the All India Adiwasi Employees Federation filed an SLP(C) No. 9574 of 2013.

3. The Hon'ble Supreme Court in SLP(C) No. 9574 of 2013 has issued the following judgment on 15.09.2017:

> "The controversy in this matter is covered by the decision rendered in Chairman and Managing Director FCI and Others vs. Jagdish Balaram Bahira and Others (2017) 7 SCALE 395. Accordingly, the judgment passed by the High Court is set aside and the writ petition is allowed. Resultantly, the appeal stands allowed. There shall be no order as to costs."

4. In view of the aforesaid Hon'ble Supreme Court judgment dated 15.09.2017, this Department's Office Memorandum No. 36011/2/2010-Estt.(Res.) dated 10.08.2010 is withdrawn.

5. This may be brought to the notice of all concerned for information and compliance.

G. Srinivasan

(G. Srinivasan)
Deputy Secretary to the Govt. of India
Tele/Fax- 23093074

1. All Ministries/Departments of the Government of India.
2. The Chief Secretaries of all States/ Union Territories
3. Department of Financial Services.
4. Department of Public Enterprises, New Delhi.
5. Railway Board.
6. Union Public Service Commission/ Staff Selection Commission/ Supreme Court of India/ Election Commission/ Lok Sabha Secretariat/ Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission/ President's Secretariat/ Prime Minister's Office/ Niti Ayog
7. National Commission for Scheduled Castes, Lok Nayak Bhavan, New Delhi
8. National Commission for Scheduled Tribes, Lok Nayak Bhavan, New Delhi.
9. National Commission for Backward Classes, Trikoot-I, Bhikaji-Cama Place, R. K. Puram, New Delhi.
10. Hindi Section, DoPT – For providing the Hindi translation
11. NIC, DoPT – for placing on the website of the Department

31/08/18
Shekhar Chauhan