

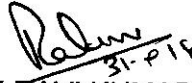
SOUTH CENTRAL RAILWAY

Headquarters Office
Personnel Branch
Secunderabad.
Date: 31.10.2018

No. P[R]171/V
ALL CONCERNED

PERSONNEL BRANCH SERIAL CIRCULAR No. 182/2018

Copy of Board's letter No.2018-E[SCT]I/25/12 dated 24.09.2018 is forwarded for information, guidance and necessary action.


[K. RAVI KUMAR]
Secy. to PCPO

For Principal Chief Personnel Officer

Copy of Board's letter No. 2018-E[SCT]I/25/12 dated 24.09.2018 [RBE No.149/2018]

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

A copy of Ministry of Personnel, Public Grievances and Pensions[Department of Personnel and 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.

sd/-
[U.N.Mehta]/JDE[Res.]

Copy of DOP&T's O.M. No.36012/12/2013-Estt[Res.] dated 30.08.2018

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

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 Adiwasii 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 15.08.2017:

"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.

sd/-
[G. Srinivasan]/ Dy. Secy. to GOI

INDEX No. 1065 RESERVATION RULES	S.C.No.
Appointment of candidates belonging to Halba Koshti/ Halbi Koshti/Koshti, etc. castes against vacancies reserved for the Scheduled Tribes – DOP&PW's Office Memorandum dated 10.08.2010 on the subject has been withdrawn.	182/2018