

**GOVERNMENT OF INDIA
RAILWAYS
LOK SABHA**

UNSTARRED QUESTION NO:5046
ANSWERED ON:27.04.2000
SENIORITY OF SC ST CANDIDATES .
RAMJI LAL SUMAN

Will the Minister of RAILWAYS be pleased to state:

- (a) whether the Hon`ble Supreme Court had decided in Virpal Singh Chauhan case that as per panel position those SCs/STs who are selected in earlier panel would be treated senior to those who are selected in subsequent panel;
- (b) whether Railways are empowered to overlook the Hon`ble Supreme Court`s decision of Virpal Singh Chauhan which has been confirmed by the Hon`ble Supreme Court on September 16, 1999 in the case of Ajit Singh Januja;
- (c) whether the Government have proposed to allow the benefits of the Hon`ble Supreme Court`s judgement to those SCs/STs who have been denied and deprived of the benefits of the Hon`ble Supreme Court`s ruling; and
- (d) the circumstances under which the law laid down by the Hon`ble Supreme Court has not been followed?

Answer

MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI DIGVIJAY SINGH)

(a) to (d) :The two-judge Bench judgement dated 10.10.1995 of the Hon`ble Supreme Court in Virpal Singh Chauhan`s case read with their three-judge Bench judgement dated 1.3.96 in Ajit Singh Januja`s case laid down the law that even if a SC/ST candidate is promoted earlier by virtue of rule of reservation than his senior General candidate and the senior General candidate is promoted later to the said higher grade, the General candidate regains the seniority over such earlier promoted SC/ST candidate. The judgement in Ajit Singh Januja`s case did not make any distinction between selection and non-selection posts in respect of regaining of seniority by senior General candidates over earlier promoted SC/ST candidates who were junior in the lower grade. The Government through the Department of Personnel & Training, being the nodal Department responsible for framing policy in this regard, have laid down the instructions pursuant to above judgements after due consideration. The said instructions have been followed by the Railways accordingly. The five-judge Constitution Bench of the Hon`ble Supreme Court in their judgement dated 16.9.1999 have upheld the judgements in Virpal Singh Chauhan`s and Ajit Singh Januja`s cases and further clarified the question of prospectivity of the judgement in question and its implications. As the issue of revised instructions pursuant to the judgement of the five-judge Constitution Bench of the Hon`ble Supreme Court is still under examination of the Government, the question of Hon`ble Supreme Court`s judgement being overlooked does not arise.