CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH

O.A.No.1174/2016

Dated the 10th day, Monday of February, 2020

PRESENT
Hon'ble Mr.P. Madhavan, Judicial Member
Hon'ble Mr.T. Jacob,Administrative Member

1. B. Manikandan,
Senior Assistant Loco Pilot,
Chennai Division, S.Rly,
Chennai;

2. M.Anand,
Senior Assistant Loco Pilot
Chennai Division, S.Rly.,
Chennai;

3. S. Dharmaraja,
Senior Assistant Loco Pilot,
Chennai Division, S.Rly,
Chennai. **...Applicants**

(By Advocate :M/s Ratio Legis)

1. Union of India Rep. By
The General Manger,
Southern Railway,
Park Town, Chennai-3;

2. The Sr. Divisional Personnel Officer,
Chennai Division,
Southern Railway,
Park Town, Chennai-3;

3. N.Kumaresan,
Loco Pilot/Shunting,
Chennai Division, S.Rly.,
Chennai;

4. E. Selvakumar,
Loco Pilot/Shunting,
Chennai Division, S.Rly.,
Chennai;

5. Domnic Savio Topno,
Loco Pilot/Shunting,
Chennai Division, S.Rly.,
Chennai;

6. T.Kulothungan,
Loco Pilot/Shunting,
Chennai Division, S.Rly.,
Chennai;

7. R.Tharmar,
Loco Pilot/Shunting,
Chennai Division, S.Rly.,
Chennai;

8. S. Yoganathan,
Loco Pilot/Shunting,
Chennai Division, S.Rly.,
Chennai;

9. Jannarapo Ramu,
Loco Pilot/Shunting,
Chennai Division, S.Rly.,
Chennai;

10. Anil Minz,
Loco Pilot/Shunting,
Chennai Division, S.Rly.,
Chennai;

11. P. Yogananda,
Loco Pilot/Shunting,
Chennai Division, S.Rly.,
Chennai;

12. Muppidi Nanchiariah,
Loco Pilot/Shunting,
Chennai Division, S.Rly.,
Chennai;

13. Ramkesh Meena,
Loco Pilot/Shunting,
Chennai Division, S.Rly.,
Chennai;

14. Ram Khyali Meena,
Loco Pilot/Shunting,
Chennai Division, S.Rly.,
Chennai;

15. Chhutanlal Meena,
Loco Pilot/Shunting,
Chennai Division, S.Rly.,
Chennai;

16. K. Karthik,
Loco Pilot/Shunting,
Chennai Division, S.Rly.,
Chennai;

17. P.R. Dinakaran,
Loco Pilot/Shunting,
Chennai Division, S.Rly.,
Chennai;

18. Sivarajesh,
Loco Pilot/Shunting,
Chennai Division, S.Rly.,
Chennai;

19. Pushpendra,
Loco Pilot/Shunting,
Chennai Division, S.Rly.,
Chennai

(All are workiong under the administrative control of the 2nd respondent)

...Respondents

By Advocate Mr.V.Radha Krishnan,Sr. Counsel
for Mr. D. Hariprasad- R1& R2)

ORDER
(Order: Pronounced by Hon'ble Mr.P. Madhavan, Member(J))

The applicant has filed this OA seeking the following reliefs:-

> "to call for the records related to the seniority lists of Loco Pilots cadre dated 05.11.2015, 30.09.2015, 21.08.2015, 28.03.2014 and 13.10.2015 and to direct the respondents to consider appointment of the applicants to the post of Loco Pilot/Shunting and/or Goods duly counterbalancing the representation of the reserved category employees approrpiately setting off the appointments made with the reserved categroy employees in excess of the prescribed roster points and to pay all the consequential seniority, service and pecuniary benefits, and, to pass such other/orders as this Hon'ble Tribunal may deem fit and proper and thus to render justice."

2. The applicants are Senior Assistant Loco Pilot in Chennai Division. The private respondents are the employees who are benefited by the action of the respondents.

3. According to the applicants, the respondents are empanelling SC/ST category employees in excess against the unreserved category vacancies and provides the consequential seniority. According to the applicants it is arbitrary and agianst the cannons of law. It is being done against Railway Board Circular (R.B.E. NO.128/2002) No.99-E(SCT)I/25/13 dated 7.8.2002 adversely affecting empanelment of unreserved category vacancies.

4. When the matter came up for hearing, the senior counsel, Mr. Radhakrishnan, appearing for the respondents submitted that the dispute in this case relates to seniority and he submitted that the dispute will be setlled finally by the Hon'ble Apex Court in Special Leave to Appeal(C) No(s)30621/2011 & batch dated 15.4.2019.

5. The counsel for the applicants would submit that if the decision of the Hon'ble Supreme Court goes in applicants' favour, the applicants should also get the benefit.

6. The Learned cousnel for the respodents submits that there is no objection for the respondents in doing the same.

7. In view of the facts submitted, it is clear that the law on the subject in dispute will be settled only when the Hon'ble Supreme Court passes an order in the SLP mentioned earlier. The applicants will get the relief if the above case goes in his favour.

8. Hence, we dispose of this OA directing the offical respondent to consider the applicants' case in the light of the decision to be made by the Apex Court in the Special Leave to Appeal (C) No. 30621/2011 & batch and pass a speaking order regarding the relief sought by the applicant in this OA. No costs.

(T. JACOB)
MEMBER(A)

(P.MADHAVAN)
MEMBER(J)

10.02.2020

asvs