

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/00196/2020

Wednesday, this the 20th day of May, 2020

CORAM:

Hon'ble Mr. Ashish Kalia, Judicial Member
Hon'ble Mr. K.V. Eapen, Administrative Member

Vijai Varghese, aged 35 years,
 S/o. M.A. Varghese,
 Junior Clerk, SSE/Works/O/ERS,
 Trivandrum Division,
 Southern Railway,
 Residing at Marattu House,
 Alattuchira PO,
 Ernakulam, Pin – 683544,
 Phone No. 9447672877.

..... **Applicant**

(By Advocate : M/s. Varkey & Martin)

V e r s u s

1. Union of India,
 represented by General Manager,
 Southern Railway,
 Park Town, Chennai – 600 003.
2. The Senior Divisional Personnel Officer,
 Southern Railway, Trivandrum Division,
 Trivandrum-14.
3. M.N. Jayakrishnan, Junior Clerk,
 O/o. ITC/DPWTC/QLN, Kollam
 Railway Station, Southern Railway,
 Kollam.

..... **Respondents**

[By Advocate : Mr. Sunil Jacob Jose (R1&2)]

This application having been heard on 20.05.2020 through video conferencing, the Tribunal on the same day delivered the following:

ORDER (Oral)

Hon'ble Mr. Ashish Kalia, Judicial Member –

Heard the learned counsel appearing for the parties through video conferencing.

2. The relief claimed by the applicant are as under:

“I) Call for the records leading to the issuance of Annexure A3 and A5 and quash the same to the extent it assigns seniority to the third respondent above the applicant.

II) Direct the respondents to restore the seniority position which existed prior to Annexure A5 and consider the applicant for promotion in his turn.

III) Award costs of and incidental to this application.

IV) Grant such other relief, which this Honourable tribunal may deem fit and proper in the circumstances of the case.”

3. The applicant's seniority has been downgraded and respondent No. 3 has marched over the applicant in the provisional seniority list. Immediately thereafter, the applicant has made a representation dated 10th February, 2020 to the respondents which is stated to have not yet been decided by the respondents till date.

4. We feel that the OA can be disposed of at the admission stage itself by directing respondent No. 2 to consider Annexure A4 representation dated 10th February, 2020 and pass a speaking order, after affording the applicant an opportunity of personal hearing within a period of one month from the date of receipt of a copy of this order. Ordered accordingly. Thereafter, only the official respondents are free to make any promotion from the provisional

seniority list. However, in case the applicant is still aggrieved he is at liberty to approach this Tribunal, if so advised.

5. The Original Application is disposed of as above. No order as to costs.

(K.V. EAPEN)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

“SA”

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APPLICANT'S ANNEXURES

- Annexure A1** – True copy of the order No. V/P11/XII/GrC&D/med decat dated 5.6.2015.
- Annexure A2** – True extracted copy of the seniority list published in the Ministerial cadre of Engineering Department in the post of Junior Clerk under letter No. V/P.612/I/Vol.VIII dated 28.9.2015.
- Annexure A3** – True extracted copy of the letter bearing No. V/P.612/Seniority/Vol.9 dated 20.1.2020 issued by the second respondent.
- Annexure A4** – True copy of the joint representation submitted by the applicant and others dated 10.2.2020 to the second respondent.
- Annexure A5** – True extracted copy of the letter bearing No. V/P.612/Seniority/Vol.9 dated 1.1.2019 issued by the 2nd respondent.

RESPONDENTS' ANNEXURES

Nil

-X-X-X-X-X-X-X-X-