

**CENTRAL ADMINISTRATIVE TRIBUNAL,**  
**ERNAKULAM BENCH**

**Original Application No. 180/00304/2020**

**Wednesday, this the 5<sup>th</sup> day of August, 2020**

**CORAM:**

**Hon'ble Mr. P. Madhavan, Judicial Member**  
**Hon'ble Mr. K.V. Eapen, Administrative Member**

V. Parameswaran, aged 68 years, S/o. Velayudhan Pillai,  
 B.T. Checker/Palakkad Division (Retired), Southern Railway,  
 Residing at Kollathumel, Thoongapara, Kattakada Post,  
 Thiruvananthapuram – 695 572. .... **Applicant**

**(By Advocate : Mr. Sajeevan Kurukkuttiyullathil**  
**Mr. Sudhish R.)**

**V e r s u s**

1. Union of India, represented by the General Manager,  
 Southern Railway, Head Quarters Office, Park Town PO,  
 Chennai, Tamil Nadu, Pin – 600 003.
2. The Senior Divisional Personnel Officer, Southern Railway,  
 Palakkad Division, Kerala, Pin – 678 010. .... **Respondents**

**(By Advocate : Mr. Sunil Jacob Jose)**

This application having been heard on 05.08.2020 through video conferencing, the Tribunal on the same day delivered the following:

**O R D E R (Oral)**

**Hon'ble Mr. P. Madhavan, Judicial Member –**

Heard Advocate Mr. Sajeevan Kurukkuttiyullathil appearing for the applicant and the Advocate appearing for the respondents through video conferencing.

2. The applicant was engaged as a casual labour on temporary status in the Southern Railway/Palakkad Division w.e.f. 21.4.1975. He was promoted

as Ballast Train Checker vide order dated 23.4.1986. He was promoted as Technical Grade-II/Revetter in the year 2006. However, the said promotion was challenged by two of his juniors in the seniority list before this Tribunal. When the OA was allowed the applicant was reverted and the applicant preferred WP(C) No. 17611/2009 challenging the same. The Hon'ble High Court disposed of the WP(C) observing that if the applicant is entitled for any other financial benefit, the applicant is at liberty to make a representation to the Department. On the basis of the observation made by the Hon'ble High Court, the applicant submitted Annexure A3 representation dated 19.6.2019, which is still pending consideration with the respondents. Hence, he has filed this OA seeking the following reliefs:

- “(i) Declare that the non-feasance on the part of the first and the said respondent to consider and take a decision on Annexure A3 representation is arbitrary, discriminatory and unconstitutional;*
- (ii) Direct the respondents to consider and take a decision on Annexure A3 representation within a time frame as found just and proper by this Hon'ble Tribunal;*
- (v) Award costs of and incidental to this application;*
- (vi) Pass such other orders or directions as deemed just fit and necessary in the facts and circumstances of the case.”*

3. When the matter came up for consideration today, learned counsel for the applicant submitted that even though he has given Annexure A3 representation dated 19.6.2019 to the competent authority, no reply has been given so far.

4. Learned counsel appearing for the respondents submitted that they have no objection in considering the representation filed by the applicant by

passing a speaking order. The applicant will be satisfied if his representation is considered and an order is passed within a time frame.

**5. In view of the limited relief sought by the applicant, without going into the merits of the case, the competent authority is directed to consider Annexure A3 representation dated 19.6.2019 filed by the applicant and pass a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order.**

6. The Original Application is disposed of as above at the admission stage itself. No order as to costs.

**(K.V. EAPEN)  
ADMINISTRATIVE MEMBER**

**(P. MADHAVAN)  
JUDICIAL MEMBER**

**“SA”**

**Original Application No. 180/00304/2020****APPLICANT'S ANNEXURES**

**Annexure A1** – True copy of the judgment of the Hon'ble High Court of Kerala dated 18.12.2012 in WP(C) No. 17611 of 2009.

**Annexure A2** – True copy of the order of the Hon'ble Supreme Court in SLP No. 15240, 15241/2017 dated 8.2.2019.

**Annexure A3** – True copy of the representation submitted by the applicants before the respondents dated 19.6.2019.

**RESPONDENTS' ANNEXURES**

Nil

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