

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 424/91

T. A. No.

199

DATE OF DECISION 8.3.93

The All India Stationmasters' Association & another Applicant (s)

Mr. P Sivan Pillai Advocate for the Applicant (s)

Versus

UOI., rep. by the General Manager, S. Railway, Madras & 2 others. Respondent (s)

Smt. Sumathi Dandapani Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. SP Mukerji

Vice Chairman

The Hon'ble Mr. AV Haridasan

Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. To be circulated to all Benches of the Tribunal?

JUDGEMENT

SHRI SP MUKERJI, HON'BLE VICE CHAIRMAN

In this application the All India Station Masters' Association through its Divisional Secretary and another Deputy Station Superintendent have challenged the impugned orders dated 21.2.91 at Annexure-A 3 and dated 1.4.90 at Annexure-A 2 on the ground that the downgradation of certain posts of Station Superintendents in violation of the percentage of such posts prescribed by the Railway Board at Annexure-A 2 is illegal.

2. They have prayed that the respondents be directed to operate the higher grades in the Stationmasters' Cadre according to the percentage prescribed in Annexure-A 1. When the application was taken up for arguments, the learned counsel for the Railways, Smt. Sumathi Dandapani stated at the Bar that subsequent to the filing of this application, the respondents have since restored

as laid down by the prescribed percentage of the Railway Board and they have upgraded the posts of Stationmasters to agree with the prescribed percentage. She has mentioned that consequent upon the judgment of this Tribunal dated 25.6.92 in OA-2/91, the Seniority List of Station Masters is proposed to be revised and promotions to the upgraded restored posts will be made after the Seniority List is revised.

3. The learned counsel for the applicants, Shri Sivan Pillai, however, indicated that the applicants shall be satisfied if the respondents are directed to fill up the restored upgraded posts provisionally on the basis of eligibility and the Seniority List as approved by this Tribunal in OA-2/91 subject to adjustments after the Seniority List is revised in accordance with law.

3. Considering that the downgradation of the posts of Station Superintendents by the impugned orders was done unilaterally ~~down prima facie~~ by the Trivandrum Division of the Southern Railway distorting and violating the percentages prescribed by the Railway Board, the said downgradation is not regular. Any postponement of promotions of the eligible candidates because of the irregular downgradation, on the plea that the Seniority List is being revised, to our mind, will not be fair to them. The judgement of the Tribunal in OA-2/91 did not even by implication say that the existing Seniority List is bad but on the other, directed that the said Seniority List shall be valid till the same is revised, if so advised, by the Railway authorities.

4. In the above circumstances, we allow this application to the extent of directing the respondents to upgrade and structure the cadre of Station Masters strictly in accordance with the percentage prescribed by Annexure-A 3 and promote the eligible officers on the

basis of existing Seniority List and the prescribed selection procedure. It should be made clear to the promotees that the promotions will be subject to the revision, in case the existing Seniority List is revised. Action on the above lines should be completed within a period of two months from the date of communication of a copy of this order. There is no order as to costs.



(AV HARIDASAN)

Judicial Member



SPM

(SP MUKERJI)

Vice Chairman

8.3.93