

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

OA No. 430 of 2004

Friday, this the 16th day of July, 2004

CORAM

**HON'BLE MR. K.V. SACHIDANANDAN, JUDICIAL MEMBER
HON'BLE MR. H.P. DAS, ADMINISTRATIVE MEMBER**

1. A. Karunakarankutty,
AC Coach Attendant, S.No.J/E 125J,
ACCA/SSE's Office, Electrical,
Southern Railway, Mangalore.Applicant

[By Advocate Shri Sreegesh M.K]

Versus

1. Union of India represented by its
General Manager, Southern Railway,
Park Town, Madras.
2. Senior Divisional Personnel Officer,
Divisional Office, Southern Railway, Palakkad.
3. P. Gangadharan,
ACCA/MAQ (AC Coach Attendant),
Mangalore.
4. K.I. Raveendhran,
ACCA/MAQ, Mangalore.Respondents

[By Advocate Shri P. Haridas (R1 & R2)]

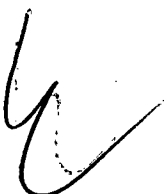
The application having been heard on 16-7-2004, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. K.V. SACHIDANANDAN, JUDICIAL MEMBER

The contention of the applicant in the OA is that he was absorbed as a regular hand in the services of the Railway with effect from 1-3-1990 and respondents 3 and 4 were appointed as regular hand with effect from 22-4-1991 and that the applicant's seniority is not considered and overlooking this aspect, the 2nd respondent now directed the 3rd and 4th respondents to appear for the trade test for the post of ACM/Grade-III. Aggrieved by the said action on the part of the official respondents, the applicant has filed this OA seeking the following reliefs:-

- "i) To restrain the 2nd respondent from acting upon Annexure A4 order and promoting Respondents 3&4, ignoring the seniority of the petitioner.



- ii) To quash and set aside annexure A4 order of the 2nd respondent directing respondents 3 & 4 to appear for the trade test.
- iii) To declare that the applicant herein is senior to respondents 3 & 4 and that the applicant herein is entitled to be called ahead of respondents 3 & 4 for all further promotions in accordance with his seniority.
- iv) To direct the respondent herein to make necessary changes in the seniority list by according the applicant the seniority that he is entitled to.
- v) To issue such other order or direction deem fit by this Honourable Court, considering the facts and circumstances of the case."

2. Shri Sreegesh M.K appeared for the applicant and Shri P.Haridas appeared for respondents 1 & 2.

3. When the matter came up for hearing, learned counsel for the applicant submitted that the applicant will be satisfied if a limited direction is given to the 2nd respondent to dispose of the representation that he has made on 17-5-2004 (Annexure A5) considering his claim within a reasonable time frame. Learned counsel for respondents 1 & 2 submitted that he has no objection in adopting such a course of action.

4. In the interest of justice, we direct the 2nd respondent to consider and dispose of Annexure A5 representation dated 17-5-2004 within a period of two months from the date of receipt of a copy of this order.

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

Friday, this the 16th day of July, 2004.


H.P. DAS
ADMINISTRATIVE MEMBER


K.V. SACHIDANANDAN
JUDICIAL MEMBER

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