IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OAs. 429/92, 430/92, 440/92, 454/92, 455/92, 468/92, 471/92, 472/92, 511/92, 527/92,546/92 and 577/92

Date of decision: 25-8-1993

OA 429/92✓

M Achuthan — Applicant

Vs

1 Union of India represented by the General Manager, Southern Railway, Madras.

2 The Chief Personnel Officer, Southern Railway, Madras.

3 The Chief Engineer (Construction) Southern Railway, Madras.

4 The Divisional Personnel Officer, Southern Railway, Palakkad. — Respondents

OA 430/92✓

1 TK Krishnankutty
2 V Sivasankaran
3 PK Bhaskaran — Applicants

Vs

1 Union of India represented by the General Manager, Southern Railway, Madras.

2 The Chief Personnel Officer, Southern Railway, Madras.

3 The Chief Engineer (Construction) Southern Railway, Madras.

4 The Divisional Personnel Officer, Southern Railway, Palakkad. — Respondents

OA 440/92✓

1 PC Arby
2 N Balasubramanian — Applicants

Vs

1 Union of India represented by the General Manager, Southern Railway, Madras.

2 The Chief Personnel Officer Southern Railway, Madras.

3 The Chief Engineer (Construction), Southern Railway, Madras.

4 The Divisional Personnel Officer, Southern Railway, Palakkad. — Respondents

..2/-

OA 454/92 ✓

A Abdul Samad Khan — Applicant

Vs.

1 Union of India represented by the General Manager, Southern Railway, Madras.

2 The Chief Personnel Officer, Southern Railway, Madras.

3 The Chief Engineer(Construction), Southern Railway, Madras.

4 The Divisional Personnel Officer, Southern Railway, Palakkad. - Respondents

OA 455/92 ✓

P Mammoo — Applicant

Vs.

1 Union of India represented by the General Manager, Southern Railway, Madras.

2 The Chief Personnel Officer, Southern Railway, Madras.

3 The Chief Engineer(Construction), Southern Railway, Madras.

4 The Divisional Personnel Officer, Southern Railway, Palakkad. - Respondents

OA 468/92 ✓

1 R Kuttappan Nair
2 J Sadasivan Nair
3 C Anbukkani
4 G Unnikrishnan Nair — Applicants

Vs.

1 Union of India represented by the General Manager, Southern Railway, Madras.

2 The Chief Personnel Officer, Southern Railway, Madras.

3 The Chief Engineer(Construction), Southern Railway, Madras.

4 The Divisional Personnel Officer, Southern Railway, Palakkad - Respondents

OA 471/92 ✓

S Arunachalam — Applicant

Vs.

1 Union of India represented by the General Manager, Southern Railway, Madras.

2 The Chief Personnel Officer, Southern Railway, Madras.

3 The Chief Engineer (Construction) Southern Railway, Madras.

4 The Divisional Personnel Officer, Southern Railway, Palakkad. - Respondents

...3/-

OA 472/92 ✓

1 PC Cheriyan
2 A Bhaskaran
3 K Sankaran
4 CM Aboobacker — Applicants

Vs.

1 Union of India represented by the General Manager, Southern Railway, Madras.
2 The Chief Personnel Officer, Southern Railway, Madras.
3 The Chief Engineer (Construction), Southern Railway, Madras.
4 The Divisional Personnel Officer, Southern Railway, Palakkad. — Respondents

OA 511/92 ✓

R Radhakrishnan — Applicant

Vs.

1 Union of India represented by the General Manager, Southern Railway, Madras.
2 The Chief Personnel Officer, Southern Railway, Madras.
3 The Chief Engineer (Construction), Southern Railway, Madras.
4 The Divisional Personnel Officer, Southern Railway, Palakkad — Respondents

OA 527/92 ✓

N Narayanankutty — Applicant

Vs.

1 Union of India represented by the General Manager, Southern Railway, Madras.
2 The Chief Personnel Officer, Southern Railway, Madras.
3 The Chief Engineer (Construction), Southern Railway, Madras.
4 The Divisional Personnel Officer, Southern Railway, Palakkad.
5 The Deputy Chief Engineer (Constn.) Southern Railway, Trichur. — Respondents

OA 546/92 ✓

N Vasudevan Pillai — Applicant

Vs.

1 Union of India represented by the General Manager, Southern Railway, Madras.
2 The Chief Personnel Officer, Southern Railway, Madras.
3 The Chief Engineer (Construction), Southern Railway, Madras.
4 The Divisional Personnel Officer, Southern Railway, Palakkad.
5 The Executive Engineer (Construction), Southern Railway, Salem. — Respondents

...4/-

OA 577/92

R Parameswaran Pillai — Applicant

Vs.

1 Union of India represented by the General Manager, Southern Railway, Madras.

2 The Chief Administrative Officer, Southern Railway, Madras.

3 The Chief Personnel Officer, Southern Railway, Madras.

4 The Chief Engineer(Construction), Southern Railway, Madras.

5 The Divisional Personnel Officer, Southern Railway, Palakkad. — Respondents

Mr P Santhoshkumar — Advocate for applicant(s) in all cases.

Mr M C Cherian — Advocate for respondents in all cases.

CORAM

Hon'ble Mr Justice Chettur Sankaran Nair, Vice Chairman

and

Hon'ble Mr R Rangarajan, Administrative Member

JUDGMENT

Chettur Sankaran Nair(J), Vice Chairman

Contentions raised in these applications are similar and so are the reliefs sought. They are,therefore, disposed of by a common judgment.

2 For purpose of documentation, we will refer to the exhibits in OA 440/92. By Annexure-D in that application, applicants in these applications were sought to be reverted.

3 Applicants are now working in the construction wing, retaining their lien in the open line divisions. By this fortuitous event, they have gained promotions in the

construction wing. The question is whether they should lose the advantages they have gained in the construction wing, and also whether the advantages gained in the construction wing should be reflected in their parent divisions, in such a manner as to affect the interests of those, senior to them in the parent divisions.

4 It is submitted by both sides, that there is no risk of actual reversion for applicants for the time being. Applicants will be allowed to continue in the construction wing, enjoying the advantages which they now enjoy. In the event of the authorities proposing to enforce Annexure-D, then it will be considered whether the applicants should be reverted or retained, having regard to the vacancy position then, and after affording an opportunity to them to put forward their respective cases. They can challenge Annexure-D, if it is decided to implement it.

5 With these directions, applications are disposed of. No costs.

Dated the 25th August, 1993.

R Rangarajan
Administrative Member

Chettur Sankaran Nair(J)
Vice Chairman

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## LIST OF ANNEXURES

| | | |
|---|---|---|
| 1. | Annexure-D | Copy of the extract portion of the Office Order No.C-24/92 dt.12.3.92 issued by the 3rd respondent in O.A. 440/92. |