

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 46/99

Thursday the 14th day of January 1999.

CORAM

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

1. V. Ananthakrishna Pillai
S/o N.Velayudhan Pillai
Office Supdt./Gr.II
Railway Divisional Office
Works Branch, Trivandrum-14.
2. K.N.Rajan
S/o K.Nanu Panicker
Head Clerk, Railway
Divisional Office
Works Branch, Trivandrum.
3. N.B.Ravunny
S/o N.R.Bhaskaran
Office Supdt/Gr.II(Ad-hoc)
Deputy Chief Engineer's Office
Southern Railway, Ernakulam.
4. M.S.Sukumara Panicker
S/o P.Velayudhan Pillai
Office Supdt./Gr.II(Ad-hoc)
Assistant Engineer's Office
Southern Railway, Ernakulam.
5. R.I.Pink
S/o Shri C.R.Pink
Office Supdt./Gr.II(Ad-hoc)
Deputy Chief Engineer's Office
Southern Railway, Trivandrum.
6. R.Nanoo
S/o S.Raman
Office Supdt/Gr.II
Assistant Engineer's Office
Southern Railway, Quilon.

...Applicants.

(By advocate Mr M.P.Krishnan Nair)

Versus

1. Union of India represented by
The General Manager
Southern Railway, Chennai.
2. Chief Engineer
Southern Railway, Chennai.
3. Chief Personnel Officer
Southern Railway, Chennai.
4. Senior Divisional Personnel Officer
Southern Railway, Trivandrum.

...Respondents.

(By advocate Mrs Sumathi Dandapani)

The application having been heard on 14th January 1999,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

The longstanding grievance of the applicants is that the railway administration had failed to maintain proper ratio in the matter of clerical staff with reference to equated track kilometres. While neighbouring divisions of the Southern Railway Clerical Staff vis-a-vis equated kilometres is much higher than the ratio maintained in the Trivandrum Division, the clerical staff of the Trivandrum Division including the applicants had been making representations projecting their grievance and clamouring for creation of more posts. While their complaints did not receive any response from the administration, they filed OA 1251/93 which was disposed of with a direction to the Chief Personnel Officer of Southern Railway to consider the representations submitted by the applicants bearing in mind the necessity to modify the staff structure. The applicants allege that a work study was conducted and on the basis of the report of the work study, creation of additional posts was recommended under orders dated 23.5.94 (Annexure A-11) and 26.7.94 (Annexure A-12). However, no action pursuant to the above having been taken, the condition in Trivandrum Division remained the same. Applicants allege that on account of the situation, they are comparatively at a great disadvantage in regard to career advancement while persons who joined service long after the date on which the applicants commenced their service and working in their Division are occupying senior posts. Projecting their grievances, the applicants jointly made a representation to the Chief Personnel Officer, Southern Railway, Madras on 3.4.98 (Annexure A-14). However, there is no response to this representation. It is under these circumstances that the applicants have jointly filed this application seeking the following reliefs:

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- (i) to call for the records leading to the issue of Annexures 10, 11, 12 and 16 and direct the respondents to sanction the 84 posts of clerical cadre with retrospective effect and consequential promotions from time to time;
- (ii) to issue a direction to the respondents to give priority to post the staff from Trivandrum Division in the Construction unit with the territorial jurisdiction of Trivandrum Division in tune with A-16.
- (iii) to direct respondents to give Rs. 10 lakhs to each applicant for the victimisation and for mental agony, physical and financial torture and harassment and for which applicants were to suffer for about last 20 years;
- (iv) requesting for giving directions to implement the Railway Board's order No. PC.V/98/I/II/18(A) dt. 10.5.98 for posting Chief Office Supdt. only through departmental examinations on zonal basis considering these applicants also as done in the case of Group 'B' service.

2. When the application came up for hearing today, learned counsel on either side agreed that the application may be disposed of directing the Chief Personnel Officer, Southern Railway Madras to look into the grievances projected by the applicants in their representation dated 3.4.98 (A-14) as also the averments made in the application and to take an appropriate decision keeping in view the disparity in the clerical staff equated track kilometres in Trivandrum Division and other Divisions as also the letters of the Sr. Divisional Accounts Officer, Trivandrum dated 23.5.94 and 26.7.94 (A-11 & A-12 respectively) and to give the applicants an appropriate speaking order within a period of three months.

3. In the light of above submission by the learned counsel appearing on either side and as agreed to by them, the application is disposed of directing the third respondent to consider the grievance of the applicants projected in their representation at Annexure A-14 as also in the OA in regard to disparity in the ratio of clerical staff vis-a-vis

Equated Track Kilometre in comparison to positions in their Divisions, taking into account the letters of the Divisional Accounts Officer, Trivandrum Division dated 23.5.94 (A-11) and 26.7.94(A-12) issued on the basis of the work study report and other relevant materials and to communicate to the applicants an appropriate decision within a period of three months from the date of receipt of a copy of this order. It is also directed that before taking a decision, the third respondent shall give the applicants an opportunity of personal hearing. There is no order as to costs.

Dated 14th January 1999.



(A.V. HARIDASAN)
VICE CHAIRMAN

aa.

LIST OF ANNEXURES

1. Annexure A10: A true copy of the Order No.V/P 535/I/III/ Engg.OS/Vol.VII. dated 6.1.94 by respondent No.4.
2. Annexure A11: True copy of Letter No.P.135/TVC/EF/Engg/Vol.VI/ 2790 dt. 23.5.94.
3. Annexure A12: True copy of Letter No.P.135/TVC/EF/Engg/VI3588 dt. 26.7.94 from the Divisional Accounts Officer.
4. Annexure A14: A true copy of the representation submitted by the Petitioners on 3.4.98.
5. Annexure A16: A true copy of the P.B. Circular No.93/73 dt. 3.7.73, issued by Chief Personnel Officer, Madras(CPO).

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