

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

**Original Application No.465/2005
Monday this the 19th day of March, 2007.**

**CORAM:HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN
HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER**

1 Prakash Sam
 Junior Engineer I,
 Telecommunications,
 Railway Electrification,
 Southern Railway, Ernakulam
 residing at Ebenezer Angadikkal
 South P.O. Chengannur.

2 K.D.Divakaran,
 Junior Engineer I,
 Telecommunications,
 Railway Electrification,
 Southern Railway, Ernakulam,
 residing at Kokkathara House,
 Nayathode P.O., Angamaly.

... Applicants

By Advocate Mr.Pratap Abraham for
Mr.P.Ramakrishnan

1 Union of India
 represented by the Chairman,
 Railway Board, New Delhi.

2 The Chief Personnel Officer,
 Southern Railway, Chennai.

3 The Chief Signal & Telecommunications
 Engineer, Southern Railway Head
 Quarters Office, Chennai.

4 The Senior Divisional Personnel Officer,
 Southern Railway,
 Thiruvananthapuram.

... Respondents

By Advocate Ms.Suvitha for Mrs.Sumathi Dandapani Sr
Ms.P.K.Nandini

This Original Application having been heard on 19th March, 2007, the Tribunal delivered the following:-

ORDER

Hon'ble Mrs.Sathi Nair, Vice Chairman.

The applicants herein are officers in the cadre of Junior Engineer (I) and have filed this application claiming that they are entitled to be promoted as Junior Engineer Grade I w.e.f. 1/11/2003 on the basis of seniority originally maintained on zonal basis and their contention is that they are senior according to Annexure A-1 seniority list. The re-structuring of Group 'C' and 'D' cadre in the Signal and Telecommunication department by letter dated 6/1/2004 was ordered by the Railway Board as per which the restructuring of Cadres was to be given effect w.e.f. 1/11/2003. The applicant's were promoted as JE I on 6/4/2005. The respondents published a combined seniority list of Junior Engineer I on 23/5/2005 and according to the applicants and from the said list it is seen that promotions had been granted to some people who were junior to the applicant and they have filed Annexure A-6 and A-7 representations which are still pending for disposal. In this context, the applicants have prayed for following reliefs:-

"8A issue an order holding that the applicants are entitled to be promoted as Junior Engineers Grade I/Telecommunication w.e.f. 1/11/2003 and consequently consider for selection to the post of Section Engineer/Telecommunications along with these JE I/Tele whose name figure in Annexure A-8.

8B issue an order directing the respondents to promote the applicants as to the cadre of JT I/Tele w.e.f. 1.11.2003 with all attendant benefits and to consider them for selection to the post of Section Engineer, Telecommunication along with those who are invited as per Annexure A-8.

8C Issue an order directing the 2nd respondent to take up and dispose of Annexure A6 and A7 forthwith and

8D such other orders and directions as are deemed fit in the facts and circumstances of the case including the cost of the application."

2 Respondents in their reply have stated that originally the seniority was maintained at zonal level but during the year 2000, after due consideration it was decided to decentralize the grades of Junior Engineers. Accordingly options were called for from among all Junior Engineer Grade-II/Tele with direction to exercise their option either for being retained in the same division or to opt for posting on the individual choice to any one of the newly formed divisional seniority unit. The applicants have exercised their option to have their lien in the Trivandrum Division seniority unit. Since the applicants opted for lien in Trivandrum Division, their lien has been maintained and the divisional authorities have been filling up the vacancies in the Junior Engineer Grade I/Tele and Junior Engineer Grade-II/Tele depending upon the availability of vacant posts in the Trivandrum Division Unit.

3 Seniority position of the applicants in Trivandrum Division as well as in all the other seniority units was determined well during 2000 itself and the applicants have not made any representation against such seniority till filing the present OA. The decentralization of cadres was completed on 21/11/2001 and determination of seniority units, position in seniority in the respective units and avenue of promotion became complete with effect from 21/11/2001 and they have not challenged the orders of promotions of their juniors or any specific order passed against which they

2

are aggrieved. Therefore they find no merit in the case of the applicant.

4 The applicant has not filed any rejoinder to the reply filed on 13/12/2005 and on all subsequent hearing dates after 2/1/2006, either the applicants or the respondents have been seeking adjournments. Today also an adjournment is sought for on behalf of the respondents.

5 We have heard Mr. Pratap Abraham for the applicant and Ms. Suvitha for Mrs. Sumathi Dandapani Sr. Ms. P.K. Nandini and gone through the record.

6 Initially the applicants were allowed to sit in the supplementary written examination for the posts of Section Engineers and accordingly the applicants appeared and it is now reported that they had failed in the examination. From the reliefs it is seen that the applicant's prayers in paragraph 8(a) that they should be considered for promotion to the post of Section Engineers cannot be considered^{now} as they have failed in the examination. As regards their prayer to promote them to the cadre of Junior Engineer w.e.f. 1/11/2003, on retrospective basis it is necessary to first ~~settle~~^{fix} the seniority position and the prayer in the OA as regards seniority is only for consideration and disposal of Annexure A-6 and A-7 representations. These representations have to be considered and disposed of, thereafter only the applicants if aggrieved can approach this forum for redressal of their grievance.

7 We therefore grant the relief prayed for at para 8C and direct the second respondent to dispose of the representations of the applicants at Annexure A-6 and A-7 against the seniority list at Annexure A-5

independent of their observations in the reply statement and communicate a decision to the applicants within a period of two months from the date of receipt of this order. OA is disposed of accordingly. No costs.


GEORGE PARACKEN
JUDICIAL MEMBER


SATHI NAIR
VICE CHAIRMAN

abp