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**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.468/06

Friday this the 20th day of July 2007

C O R A M :

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

K.P.Balakrishna Panicker,
S/o.Purushothaman Nair,
Working as Station Master/III/ERSD,
Southern Railway, Ernakulam.
Residing at Rly. Quarter No.112-C,
Ernakulam Junction.

...Applicant

(By Advocate Mr.M.P.Varkey)

Versus

1. Union of India represented by General Manager,
Southern Railway, Chennai – 600 003.
2. The Chief Personnel Officer,
Southern Railway, Chennai – 600 003.
3. The Senior Divisional Personnel Officer,
Southern Railway, Trivandrum – 695 014.

...Respondents

(By Advocate Mr.Sunil Jose)

This application having been heard on 20th July 2007 the Tribunal on the same day delivered the following :-

ORDER

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

The applicant working as Station Master, Grade III in scale Rs.5000-8000 at Ernakulam in Trivandrum Division of Southern Railway is aggrieved by the letter No.P(S) 612/II/OA 150/2005/CAT/ERS dated 24.6.2005 issued by the 2nd respondent, rejecting his claim for promotion and consequential benefits from the date his junior Shri.John Joseph was promoted to the said scale.

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2. The facts leading to the filing of this application are as follows :- The applicant was directly recruited as Assistant Station Master in scale Rs.1200-2040 in Trivandrum Division of Southern Railway and joined as such on 4.6.1990. In 1991 some Assistant Station Masters from other Divisions were transferred to Trivandrum Division on inter divisional request transfers on bottom seniority/grade; one of whom was John Joseph who joined so on 11.7.1991. He was placed below the applicant as per extant rules in scale Rs.1200-2040. This is discernible from the relative seniority position first shown in Annexure A-1.

3. It appears that the said John Joseph and 9 others had filed O.A.956/90 seeking seniority over one K.B.Venugopalan Nair and 8 others on the ground that they had registered earlier for inter divisional transfer; but were transferred after K.B.Venugopalan Nair and others. The O.A was allowed and accordingly the seniority of ASMs in scale Rs.1200-2040 was revised on 15.11.1995, resulting in the second relative seniority position shown in Annexure A-1. Based on the said seniority position John Joseph and others were promoted to grade Rs.1400-2300 with effect from 23.9.1991, whereas the applicant was so promoted with effect from 25.11.1995 only.

4. The revised seniority list published on 15.11.1995 was challenged again in O.A.691/99 by some others and it was allowed holding the earlier orders in O.A.956/90 as per incuriam. Consequently Annexure A-2 seniority list as on 2002 was issued which is sub judice in O.P.16379/02 before Hon'ble High Court of Kerala. The applicant's claim is mainly based on his junior Shri.John Joseph who had been promoted on

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23.9.1991 in the scale of Rs.5500-9000 and hence the applicant has submitted that he is entitled to have this promotion with effect from the said date viz. 23.9.1991 on pro forma basis and for arrears from 25.11.1995 from the date he shouldered the higher responsibility.

5. Initially the respondents filed a reply statement stating that the applicant had not approached the Railways either opposing the implementation or seeking similar benefits when the seniority was determined by the order of this Tribunal in O.A.956/90 giving the benefits of seniority to Shri.John Joseph.

6. The applicant filed rejoinder stating that he was not disputing the seniority as that had been settled subsequently in O.A.691/99 and is only seeking to advance his promotion date on par with his juniors in accordance with the revised seniority list as on 11.4.2002 at Annexure A-2.

7. Respondents have filed additional reply statement. In paragraph 12 thereof they have submitted that they are contemplating to change the date of promotion of the juniors to the applicant including of Shri.John Joseph from 23.9.1991 as the order on the basis of which the said date was allowed has been revised.

8. We have heard the counsel on either side and during the arguments it was also mentioned that O.P.Nos.16379, 16898 & 17451 of 2002 filed by Shri.John Joseph and others have been dismissed by the Hon'ble High Court on 11.8.2006 and the revision of seniority in favour of the

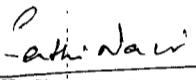
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applicant has been upheld. Since this original position has been restored in the light of the order of the Hon'ble High Court, the respondents have issue revised orders in accordance with rules which according to them is under their consideration.

9. Since already one year has elapsed from the issue of the order, we direct that this exercise shall be completed by the respondents within a period of three months from the date of receipt of a copy of this order. The O.A is disposed of. No costs.

(Dated the 20th day of July 2007)


GEORGE PARACKEN
JUDICIAL MEMBER


SATHI NAIR
VICE CHAIRMAN

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