

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 49 of 2010

Wednesday, this the 21st day of July, 2010

CORAM:

Hon'ble Mr. Justice K. Thankappan, Judicial Member
Hon'ble Mr. K. George Joseph, Administrative Member

C.K. Manoharan, aged 50 years, S/o. C.N. Kesavan, Senior Clerk, Office of the Senior Section Engineer/Electrical/Southern Railway/ Ernakulam Marshalling yard, Residing at: Railway Quarter No. 58-A, Marshalling Yard, Cochin-682 032. **Applicant**

(By Advocate – Mr. Mohana Kumar for Mr. T.C. Govindaswamy)

V e r s u s

1. Union of India, represented by the General Manager, Southern Railway, Headquarters Office, Park Town P.O., Chennai-3.
2. The Divisional Personnel Officer, Southern Railway, Trivandrum Division, Trivandrum-14.
3. The Divisional Electrical Engineer, Traction Distribution, Southern Railway, Trivandrum Division, Trivandrum-14.
4. Shri Dudachan, Senior Clerk, Electrical Branch, Southern Railway, Chalakudy Railway Station, Chalakudy.
5. Ms. Nirmala Ramakrishnan Nair, Senior Clerk, Office of the Section Engineer, Southern Railway, Electrical Branch, Ernakulam Junction, Cochin-682 016. **Respondents**

**[By Advocate – Ms. Sikky for Mr. P. Haridas (R1-3) &
Mr. Martin G. Thottan (R4&5)]**

This application having been heard on 21.6.2010, the Tribunal on the same day delivered the following:

O R D E R

By Hon'ble Mr. Justice K. Thankappan, Judicial Member -

The Original Application is filed with the following prayers:-



"(a) Declare that the applicant must be deemed to have been absorbed as a Junior Clerk in the Electrical department with effect from 31.3.2001 (the date on which the 5th respondent was posted to cadre), 18.7.2005 the date on which A4 was issued or at least with effect from 14.2.2006 i.e. The date of A6 with all consequential benefits like seniority and promotion, in preference to respondents 4 and 5 in accordance with A5 orders of the Railway Board and direct the respondents to grant the benefits accordingly; or in the alternative,

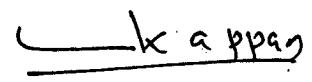
(b) Direct the respondents to grant the applicant the benefit of promotion as Technician Gr. II and Technician Gr. I on par with his juniors in his parent cadre and direct further to grant the benefit of absorption as office clerk in an equivalent grade which the applicant would have held in the parent cadre as on the date of A7 i.e. 19.9.2006 with all consequential benefits emanating there from, including arrears of pay and allowances thereof;

(c) Award costs of an incidental thereto;

(d) Pass such other orders or directions as deemed just and fit by this Hon'ble Tribunal."

2. When the matter came up for hearing today in the light of the statement filed on behalf of the applicant, it is reported that the grievance of the applicant has already been met by the Department. However, contesting respondents namely respondents 4 & 5 submit that the order now granting the relief sought by the applicant is against the existing rules. However, that question can be considered later if they are advised so to move this Court. At present, the Original Application can be disposed of by recording that the claim of the applicant has already been met by the respondents. If so, nothing remains to be decided in this Original Application. Recording the above facts, the OA stands disposed of. No order as to costs.


(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER


(JUSTICE K. THANKAPPAN)
JUDICIAL MEMBER

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