

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH
.....

O.A. No. 50 of 1993

Wednesday this the 16th day of November, 1994.

CORAM:

HON'BLE MR. JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR. PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

1. C. Nagendran, Loco Foreman's Office
Running, Crew Booking Centre,
Southern Railway, Erode.
2. C. Periyar, -do-
3. T.S. Balarajan, -do-
4. A. Shaik Dawood, -do-
5. V. Rajan, -do-
6. M. Selvakumar, -do-
7. A. Sreedharan, -do-
8. M. Parasu Raman, -do-
9. J. Ramu, -do-
10. K. Surendran, -do-
11. T. Balasubramanian, -do-
12. K. Kesavan, -do-
13. M. Mohamed Ibrahim, -do-
14. V. Kumar, -do-
15. R. Gurumoorthy, -do-
16. M. Rengasamy, -do-
17. R. Subramanian, -do-
18. M. Balasubramanian, -do-
19. C. Surendran, -do-
20. K. Krishna Moorthy, -do-
21. A. Abdul Rasheed, -do-
22. T.T. Balan, -do-
23. B. Velayudhan, -do-
24. M. Bhaskaran, -do-
25. P. Unnikrishnan, -do- .. Applicants

26. C. Shanmugham, Loco Foreman's Office
Running, Crew Booking Centre
Centre, Southern Railway,
Erode.
27. M. Ramakrishnan, -do-
28. T. Govindarajan, -do-
29. P.P. Anandan, -do-
30. S.S. Sankar, -do- .. Applicants

(By Advocate Shri M.R. Rajendran Nair)

Vs.

1. Union of India, represented by
General Manager, Southern Railway,
Madras.
2. The Divisional Personnel Officer,
Palghat
3. The Chief Personnel Officer,
Southern Railway, Madras.
4. The Senior Divisional Mechanical
Engineer, Southern Railway, Palghat.
5. C. Nagappan, Loco Khalasi,
Chief Train Examiner Office, Palghat.
6. C. Pazhangnan, Khalasi Helper,
Chief TXR/O/Palghat.
7. KV Kutty Krishnan, Khalasi Helper,
Chief TXR/O/Palghat.
8. V. Aru, Loco Khalasi, Chief Train
Examiner Office, Palghat.
9. K. Munnusamy, Khalasi Helper,
Chief Train Examiners Office, Salem
10. C. Gopalan, Assistant Cook,
Chief Train Examiners Office, Calicut.
11. K. Kunhiraman, Khalasi Helper,
Carrage Wagon, Superintendent
Office, Mangalore.
12. V.K. Ramachandran, Khalasi Helper,
Chief Train Examiners Office, Palghat.
13. T. Vijaya Raghavan, Khalasi Helper,
Chief Train Examiners Office, Calicut.
14. KK Chandrasekharan, Khalasi Helper,
C.W.S/O/Mangalore
15. M. Kanniyappan, Khalasi Helper,
Chief TXR/O/Salem
16. M. Rajendran, Khalasi Helper,
Loco Foreman's Running, Erode. .. Respondents

17. A. Krishnamoorthy, Khalasi Helper,
Carrage Wagon Superintendent's Office,
Coimbatore.
18. K.D. Vijayan, Khalasi Helper,
Chief TXR/O/Palghat
19. M. Bhoopalan, Traffic Porter/
Tirupathur
20. K. Thangamuthu, Carrage Wagon
Khalasi Helper, CTRX/O/Erode.
21. R. Krishna Swamy Naidu,
Ad hoc Foreman, Loco Foreman's
Office, Coonoor.
22. P. Haneefa, Loco Khalasi/
Loco Foreman's Office, Coonoor.
23. E. Nanna, Khalasi Helper, Signal,
Telecommunication Office, Podanur.
24. M. Syed Mohamed, Running Bunglow,
Cook, Chief TXR/O/Palghat.
25. R. Venkatachalam, Adhoc Foreman,
Loco Foreman's Office, Coonoor
26. K. Kadir Velu, Khalasi Helper/
Chief TXR/O/Salem (J/M 3034)
27. P.M. Ismail, J/M 3031, Fitter
Labour/Loco Foreman's Office,
Shoranur.
28. R. Subramanian, Khalasi Helper/
Loco Foreman's Office, Running,
Erode. (J/M 3035)
29. K.K. Radhakrishnan, J/M 3038,
Khalasi Helper, Chief TXR/O/Palghat.
30. M.K. Venugopalan, Khalasi Helper,
Chief TXR/O/Cannanore (JM/3041)
31. P.K. Radhakrishnan, Khalasi Helper,
J/M 1920, Loco Foreman's Office,
Coonoor.
32. J/M 3045, P. Kunhiraman, Loco
Khalasi, Chief TXR Office, Cannanore.
33. T. Yusef, Khalasi Helper/Chief TXR
Office, Calicut (J/M 3046)
34. M. Govindan, Khalasi Helper, J/M
3047, Chief Wagon Superintendent
Office, Coimbatore.
35. S. Syed Yusef, Khalasi Helper,
Chief TXR Office, Palghat
36. VK Haridas, Loco Khalasi, Renocor,
Carrage Wagon Superintendent, Shoranur. ... Respondents

37. K.P. Sethu Madhavan, Khalasi II Helper, J/M 3055, Chief TXR Office/Calicut
38. K. Radhakrishnan, Khalasi Helper/CWS/Office/Mangalore.
39. M. Sreedharan, Loco Khalasi, Helper, Chief Train Examiner Office, Cannanore.
40. M. Sudhakaran, Loco Khalasi, Chief TXR/Office, Calicut.
41. S. Thangavelu, Loco Khalasi, Loco Foreman's Office, Running, Erode.
42. T.P. Subramanian, Loco Khalasi, Chief TXR/Office/Palghat.
43. C. Chandra Mohan, Traffic Porter, Station Superintendent Office, Palghat.
44. A. Unni, Loco Khalasi, Chief TXR Office, Palghat.
45. K. Ayyappan, Loco Khalasi, L/O Shoranur
46. C. Padmanabhan, Loco Khalasi/CTXR Office, Palghat.
47. K. Janardhanan, Khalasi Helper, Loco Foreman's Office, Shoranur
48. T V Sankara Narayanan, Fitter Labour, Loco Foreman's Office, Shoranur
49. Deleted vide order dt. 19.11.93.
50. Dhandapani, C&W Khalasi/CWS Office, Coimbatore
51. R. Natarajan, Assistant Cook, CWS Office, Coimbatore
52. C V Krishnan, Loco Khalasi, CWS Office, Palghat
53. CV Velayudhan, Loco Khalasi/CTXR Office, Cannanore
54. P Velayudhan, Loco Khalasi/CTXR Office, Cannanore
55. Krishnan Bibrijar, Loco Khalasi, CTRX Office, Cannanore
56. M. Yesodharan, Loco Khalasi, CWS Office, Mangalore.
57. M. Rajamanickan, CW Khalasi/CWS Office, Erode
58. V. Murugasen, Loco Khalasi, CWS Office, IOH Office Erode

.... Respondents

59. D. Jayakumar, Loco Khalasi,
Loco Foreman Office, Running,
Erode.
60. B. Kaladharan, Loco Khalasi,
ESM Grde II, Palghat
61. V. Rajendran, C&W Khalasi,
CWS Office, Erode.
62. Abdul Raffee, Khalasi, S&T,
Podanur.
63. M. Jayapal, Khalasi, Dy. CME
Office, DSC Shed, Erode.
64. Alphonsa Raj, Khalasi/Dy CME
Office, DSC/Shed Erode
65. KSA Nazurdeen, Loco Khalasi,
LF Office, Coonoor.
66. KK Rajagopal, Loco Khalasi
Loco Foreman's Office, Shoranur,
67. P. Venugopal, Traffic Porter/SS
Office, Quilandi
68. L. Narayanan, Fitter Khalasi LF/O/R
Erode.
69. G. Jayakumar, Fitter Khalasi, Loco
Foreman Running, Erode,
70. D. Joseph Asok Raj, Fitter Khalasi,
Loco Foreman, Running, Erode
71. S. Thyaga Rajan, Boiler Khalasi,
Loco Foreman, Running, Erode
72. V. Doraipandian, Lampsmer, Station
Superintendent Office, Erode
73. K. Subramanian, Loco Khalasi,
Loco Foreman Office, Running, Erode
74. S. Sengodya (J/M 2391) Loco Khalasi
Loco Foreman Office, Running, Erode
75. S. Chinna Samy (J/M 2438) Loco
Khalasi, D.S.C., Erode
76. N.V. Venkataswaran, Loco Khalasi
Loco Foreman Office, Running,
Erode (J/M 2475)

.. Respondents

(By Advocate Shri TC Govindaswamy)

(By Advocate Shri Bahuleyan)

(By Advocate Shri T A Rajan)

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

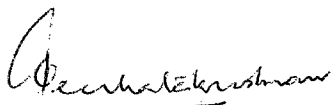
Applicants who are Diesel Assistants claim seniority over respondents 5 to 76, also Diesel Assistants. According to applicants, by reason of their posting as Engine Cleaners, they acquired "Foot Plate Service" and therefore, they are in a position of advantage. Ignoring such advantage, respondents 5 to 76 have been granted seniority, submit applicants. They have raised their grievances in A II (Page 22) and that is pending consideration before the Divisional Railway Manager, Palghat Division.

2. This Tribunal does not function as a first level administrative authority, and the contentions raised herein must be considered by the competent authority,

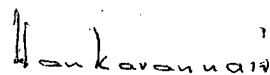
3. Applicant may raise their grievances before the competent authority who is said to be the 3rd respondent, Chief Personnel Officer, by a comprehensive representation and the said respondent will pass appropriate orders thereon within four months of the date of receipt of the representation. Respondents 5 to 76 may also put forward their cases by an appropriate representation before the competent authority, Chief Personnel Officer. While passing orders, he will not guide himself by schemes framed by this Tribunal. Schemes which may operate in place of rules under Article 309 cannot be framed

by Tribunal. As pointed out in the decision in J&K Public Service Commission Vs. Dr. Narendra Mohan & Others, (AIR 1994 SC 1808), schemes referable to Article 142 of the Constitution, are not precedent for other ~~other~~ Courts; nor are they declarations of law, under Article 141 of the Constitution of India. This position has been highlighted by us in S. Mohan Vs. Union of India (1994 (2) ATJ 329). Application is disposed of as aforesaid. No costs.

Wednesday this the 16th day of November, 1994.



PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER



CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

List of Annexures

1. Annexure-II. True copy of the Office Order No.J.P.564/
V/FC/Vol.II dated 20.11.79 issued by 4th
respondent.