

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

O.A.No.53/06

Tuesday this the 31<sup>st</sup> day of January 2006

**C O R A M :**

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

T.V.Muralidharan,  
S/o.late P.A.Nair,  
Station Master Grade I,  
Working as Uniform Inspector,  
Southern Railway, Palghat.  
Residing at 72 A, Old Railway Colony,  
Olavakkode, Palghat – 678 002.

...Applicant

(By Advocate Mr.Shafik M.A.)

**Versus**

1. Union of India represented by the General Manager,  
Southern Railway, Headquarters Office, Chennai.
2. The Chief Personnel Officer,  
Southern Railway, Headquarters Office,  
Chennai.
3. The Divisional Railway Manager,  
Southern Railway, Palghat Division,  
Palghat.
4. The Senior Divisional Operations Manager,  
Southern Railway, Palghat Division,  
Palghat.

...Respondents

(By Advocate Mrs.Sumathi Dandapani)

This application having been heard on 31<sup>st</sup> January 2006 the  
Tribunal on the same day delivered the following :

**ORDER**

**HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN**

The applicant in this OA has challenged the impugned orders of the  
respondents inviting selection by promotion from Group C to Group B  
service under the 70% quota on regular basis to the post of AOM/ATM/AO

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in the operating Department of the Southern Railway. The contention of the applicant is that in the category of Station Master Grade I which is one of the feeder cadre for promotion to the said posts he is placed above one Shri.V.V.Gopalakrishnan according to the seniority list of Station Master Grade I in the scale of pay of Rs.6500-10500/- in Palghat Division, at Annexure A-3, as he is placed at Serial No.15 whereas the said V.V.Gopalakrishnan is at Serial No.20. It is the case of the applicant that in the integrated seniority list which has now been prepared for regular selection, the said V.V.Gopalakrishnan has been shown at Serial No.50 whereas the applicant's seniority has been reduced to Serial No.205. Shri.V.V.Gopalakrishnan had approached this Tribunal in O.A.615/05 at the time of consideration for ad hoc appointment in the same post and then the respondents had submitted before us that the proposal for ad hoc appointments was dropped and they were resorting to only regular promotions. The applicant had also approached this Tribunal in O.A.602/05. The said applications were disposed of recording the statement of the respondents that they are not going to make ad hoc appointments and also directing the respondents to prepare the integrated seniority list of all eligible categories within two months. Respondents have now issued Annexure A-2 letter proposing to conduct regular selection enclosing two lists of eligible candidates. On Annexure A-2 notification dated 30.9.2005 Shri.V.V.Gopalakrishnan and the applicant approached this Tribunal in C.P.(C) 60/05 and C.P.(C) 61/05. The respondents then submitted before this Court that they have prepared the integrated seniority list (Annexure A-1) including the name of V.V.Gopalakrishnan at Serial No.50 and that of applicant at Serial No.205. On that basis the C.Ps were closed. The applicant then preferred a representation (Annexure A-6)

on 26.12.2005 for review of his seniority, questioning the criteria on which the seniority list is prepared. His representation is still pending and not disposed of. In the meanwhile the respondents conducted the main examination for selection on 21.1.2006 and supplementary examination on 28.1.2006 for the eligible candidates as notified in Annexure A-2. According to the submissions of the counsel for the applicant up to 143 candidates have appeared in the examination and according to the counsel for the respondents less than 60 candidates have appeared in the examination.

2. According to the counsel for the applicant the integrated seniority list at Annexure A-1 has not been circulated to any of the employees. Moreover, his representation which was made on the basis of the earlier seniority has also not been disposed of so far. Therefore the action of the respondents in going ahead with the selection on the basis of a list which has not been prepared in accordance with the final seniority of the feeder cadre and not circulated cannot stand in the eye of law. Therefore he has sought a stay of all the proceedings leading to the filling of the Group B posts initiated on the basis of the impugned seniority list.

3. We also heard the counsel for the respondents. It was stated that V.V.Gopalakrishnan had earlier got orders of this Tribunal granting him seniority above that of the applicant which matter has been taken up before the Hon'ble Supreme Court and is still pending was placed provisionally above the applicant subject to the outcome of the Court's order and that the applicant had not objected to the said revision at that time. However it was seen from the provisional selection list enclosed at Annexure A-3 that

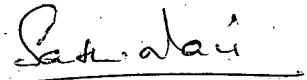
4.

no change of seniority of V.V.Gopalakrishnan has been shown in the provisional seniority list of feeder cadre of Station Master Grade I of Palghat Division. The representation of the applicant thereof also is still pending. Without finalising this seniority of the applicant vis-a-vis V.V.Gopalakrishnan in the feeder cadre the preparation of the integrated seniority list on the basis of a purported subsequent direction of this Bench of C.A.T is clearly untenable. In fact the direction in the later cases (O.A.602/05 & O.A.615/05) was only to prepare the integrated seniority list and did not contain any specific direction to include either the applicant or V.V.Gopalakrishnan. The respondents are not in a position to validate this integrated seniority list on the basis of any credible criteria and therefore we are of the view that further process of selection initiated on the basis of this integrated seniority list should be stayed at this stage. In this view of things, we direct that the respondents shall first consider and dispose of the representation of the applicant at Annexure A-6 within a period of two weeks from the date of receipt of a copy of this order. Till then, in the interest of justice, we restrain the respondents from taking any further action for making promotions on the basis of the integrated seniority list at Annexure A-1 and the notification at Annexure A-2. No order as to costs.

4. A copy of the order be given to both the parties.

(Dated the 31<sup>st</sup> day of January 2006)

  
GEORGE PARACKEN  
JUDICIAL MEMBER

  
SATHI NAIR  
VICE CHAIRMAN

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