

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No.529/99

Monday, this the 1st day of November, 1999.

CORAM

HON'BLE MR A.M. SIVADAS, JUDICIAL MEMBER

1. E.R. Jayarajan, S/o K. Ramakrishna Menon,
Assistant Driver, Office of the Chief Crew
Controller, Southern Railway, Tambaram.
Residing at : 216-B, Railway Quarters,
Tambaram, Chennai 645.
2. P.A. Abdul Rasheed, S/o P.M. Ali,
Assistant Driver, Office of the Chief Crew
Controller, Southern Railway, Tambaram.
Residing at: No.391-E, Railway Quarters
Tambaram, Chennai -45.
3. K. Vijayan, S/o Late Govinda Kurup,
Assistant Driver, Office of the Chief Crew
Controller, Southern Railway, Tambaram,
Residing at: Kuttiyil House, Onchiyam P.O.,
Chombala Via, Kozhikode District, Kerala.
4. N.J. Martin, S/o N.E. Jacob,
Assistant Driver, Office of the Chief Crew
Controller, Southern Railway, Tambaram.
Residing at No.9, Kalamegam Street,
East Tambaram, Chennai.
5. S. Gopakumar, S/o K.N. Sreedharan Pillai,
Assistant Driver, Office of the Chief Crew Controller,
Southern Railway, Tambaram.
Alappatty House, S.N. Puram P.O.,
Pampally, Kottayam.
6. R.S. Ramesh, S/o K.R. Ravi Varma Thamban,
Assistant Driver, Office of the Chief Crew Controller,
Residing at: No.41, Rail Nagar, M.E.S. Road,
Tambaram, Chennai.
7. P.T. Varghese, S/o P.V. Thomas,
Assistant Driver, Office of the Chief Crew Controller,
Southern Railway, Tambaram,
Residing at : No.5, Andal Street,
Tambaram, East, Chennai.
8. Santhosh Vataken Puthiyedath, S/o P.K. Balan,
Assistant Driver, Office of the Chief Crew Controller,
Southern Railway, Tambaram.
Residing at: No.2, Rail Nagar, Kadapperi,
Tambaram, Chennai.
9. S. Padmakumar, S/o K. Sukumaran,
Assistant Driver, Office of the Chief Crew Controller,
Southern Railway, Tambaram.
Residing at No.2, Railnagar,
Kadapperi, Tambaram, Chennai.

Contd..p/2

10. V.G. Vinod Kumar, S/o P.R. Gopinathan Nair,
Assistant Driver, Office of the Chief Crew Controller,
Southern Railway, Tambaram.
Residing at No.54, Rail Nagar,
Kadapperi, Tambaram, Chennai.

...Applicants

By Advocate Mr. T.C. Govindaswamy.

Vs.

1. Union of India rep. by the General Manager,
Southern Railway, Headquarters Office,
Park Town P.O., Madras -3.
2. The Chief Personnel Officer,
Southern Railway, Headquarters Office,
Park Town P.O., Madras -3.
3. The Divisional Railway Manager,
Southern Railway, Madras Division,
Madras.
4. The Divisional Railway Manager,
Southern Railway, Trivandrum Division,
Trivandrum.
5. The Senior Divisional Electrical Engineer,
Rolling Stock, Southern Railway,
Tambaram, Madras.
6. N. Santhosh Kumar, Diesel Assistant,
Southern Railway,
Ernakulam Marshalling Yard,
Ernakulam.
7. Rameshan Mothanga -do-
8. A.N. Unni -do-
9. Kumari J. Lekha -do-
10. K.S. Manoj -do-
11. P.D. Sainkumar -do-
12. M. Sibi -do-
13. C.K. Baiju -do-
14. T.J. Gorothy -do-
15. P.N. Shaine -do-
16. G.S. Suresh -do-
17. Jithendra Kumar -do-
18. V. Ashok -do-
19. R. Madavee -do-
20. Nishant Sanjay Rawete -do-

Contd..p/3

- | | | |
|-----|------------------|---|
| 21. | M. Jose Raj | Diesel Assistant, Southern Railway,
Nagercoil Junction, Nagercoil. |
| 22. | P. Ahilan | -do- |
| 23. | B. Titus | -do- |
| 24. | O.V. Rahulakumar | -do- |

...Respondents

By Advocate Mr Thomas Mathew Nellimoottil for R 1 to 5.

By Advocate Mr M.P. Varkey for Respondents 6 to 24.

The application having been heard on 1.11.99, the Tribunal on the same day delivered the following

O R D E R

HON'BLE MR A.M. SIVADAS, JUDICIAL MEMBER

Applicants seek to declare that they are entitled to be considered for appointment by transfer/inter-divisional transfer to Trivandrum Division of the Southern Railway as Assistant Drivers/Diesel Assistants in preference to direct recruits/open market candidates, and ~~that~~ the appointment of respondents 6 to 24 as Diesel Assistants in the Trivandrum Division of Southern Railway in preference to the applicants is arbitrary, discriminatory and unconstitutional ^{also} and ^{also} to direct the respondents to consider them for transfer/appointment by transfer in the Trivandrum Division of Southern Railway, as Assistant Drivers/Diesel Assistants, with all consequential benefits.

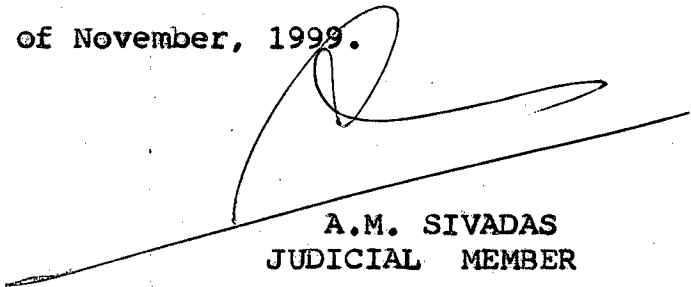
2. When the O.A. was taken up, learned counsel appearing for the applicants submitted it is suffice to permit the applicants to submit a joint representation to the 2nd respondent for redressal of their grievance and to direct the second respondent to consider the same and pass appropriate orders in accordance with law within a time frame.

3. Learned counsel appearing for the official respondents and also the learned counsel appearing for the private respondents submitted that there is no objection in adopting such a course.

3. ^{joint} Accordingly, the applicants are permitted to submit a representation through proper channel to the second respondent within four weeks from today. If such a representation is received, the second respondent shall consider the same and pass appropriate orders in accordance with law within two months from the date of receipt of the representation.

4. The Original Application is disposed of as above.
No costs.

Dated the 1st of November, 1999.



A.M. SIVADAS
JUDICIAL MEMBER

P/11199