

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA 544/96

Thursday the 20th day of January, 2000.

CORAM

HON'BLE MR A.M.SIVADAS, JUDICIAL MEMBER  
HON'BLE MR G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

1. K.Thomas Kurian  
S/o V.K.Kurian  
Chief TTI, Grade II  
Southern Railway  
Trivandrum Central.
2. T.K.Ponnappan  
S/o P.S.Kesavan  
Chief TTI, Grade II  
Southern Railway  
Trivandrum Central.
3. M.Sreekumaran  
S/o K.Madhavan Nair  
Chief TTI, Grade II  
Southern Railway  
Trichur.
4. K.P.Jose  
S/o K.O.Pilan  
Chief TTI, Grade.II  
Southern Railway  
Ernakulam Juncition.

...Applicants

(By advocate Mr M.P.Varkey)

Versus

1. Union of India represented by  
The General Manager  
Southern Railway  
Madras.
2. The Divisional Railway Manager  
Southern Railway  
Trivandrum.
3. The Divisional Personnel Officer  
Southern Railway  
Trivandrum.
4. P.K.Sudhakaran  
Chief TTI, Grade II  
Southern Railway,  
Trichur.
5. K.Pavithran  
Chief TTI, Grade.II  
Southern Railway  
Ernakulam Junction.

6. P.K.Gopalakrishnan  
Chief TTI, Grade II  
Southern Railway  
Quilon Junction.
7. G.Babu  
Chief TTI, Grade II  
Southern Railway  
Trivandrum Central.
8. K.C.Ramesan  
Chief TTI, Grade II  
Southern Railway  
Quilon Junction.
9. K.V.Joseph  
Chief TTI, Grade II  
Southern Railway  
Ernakulam Junction.
10. N.Saseendran  
Chief TTI, Grade II  
Southern Railway  
Ernakulam Junction.
11. K.K.Udhayabhanu  
Chief TTI, Grade II  
Southern Railway  
Trivandrum Central.

... Respondents.

(By advocate Mrs Sumathi Dandapani for R1-3)  
Mr K.Prabhakaran for R 4 to 11)

The application having been heard on 20th January, 2000, the Tribunal on the same day delivered the following:

O R D E R

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

Applicants seek the following reliefs:

- (a) Call for the records leading to the issue of the seniority list at A1 and set aside the same ;
- (b) Call for the records leading to the issue of A2 call letter for selection and quash the same.



(c) Declare that the applicants 1 & 2 became seniors to respondents 4 to 11 in grade Rs. 1400-2300 with retrospective effect from 1.1.84 by virtue of A8 order.

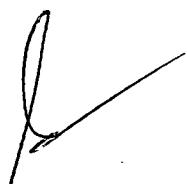
(d) Declare that respondent 4 to 11 are not entitled to be considered for promotion against 6 unreserved posts notified under A2 letter.

(e) Direct the respondent 3 to recast A1 seniority list as per thee rules laid down by the Hon'ble Supreme Court in Virpal Singh Chauhan's case;

(f) Direct respondent 3 to call 18 seniormost candidates on the basis of the recast seniority:

2. After having argued the matter at length, it is agreed by all parties that A-2 order dated 3.4.96 is liable to be quashed in the light of Railway Board's letter No. 95-E(SET)1/49/5(1) dated 21.8.97 and the Department has to re-do the exercise in the light of the said letter and the latest pronouncement by the Apex Court on the subject.

3. Learned counsel appearing for the applicants submitted that the other reliefs are not pressed.



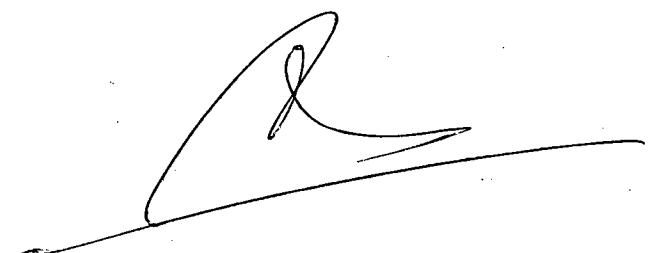
4. Accordingly A-2 is quashed. Respondents shall re-do the exercise in the light of the said letter and latest pronouncement by the Apex Court on the subject and also subsequent orders if any issued by the authorities on the subject.

OA is disposed of as above.

Dated 20th January, 2000.



G. RAMAKRISHNAN  
ADMINISTRATIVE MEMBER



A.M. SIVADAS  
JUDICIAL MEMBER

aa.

Annexures referred to in this order:

A-1: True copy of Provisional seniority list bearing No.V/P 612/III/TTE/TC/Vol.II dated 15.9.93 issued by the third respondent.

A-2: True copy of the letter No.V/P/III/TC/Vol.II dated 3.4.96 issued by the third respondent.