

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 advccocate 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 Offocer
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.Udhayabanu
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 the 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.



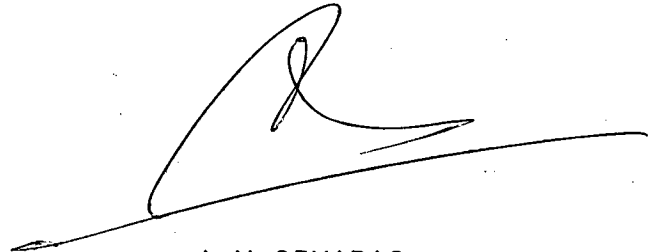
4. Accordingly A-2 is quashed. Respondents shall re-do the exercise in the light of the said letter and latest pronouncement by the Apex Court on the subject and also subsequent orders if any issued by the authorities on the subject.

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.