

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No.576/2001

Dated Tuesday this the 24th day of June, 2003.

C O R A M

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN  
HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

C.Ashokan  
Rivetter Highly Skilled Grade II  
Office of the Section Engineer (Bridges)  
Southern Railway  
Kannur.

Applicant

(By advocate M/s Sanhosh & Rajan)

Versus

1. Union of India represented by  
The General Manager  
Southern Railway  
Headquarters Office  
Chennai.
2. The Divisional Railway Manager  
Southern Railway  
Palakkad Division  
Palakkad.
3. The Senior Divisional Personnel Officer  
Southern Railway, Palakkad Division  
Palakkad.

Respondents.

(By advocate Mr.P.Haridas)

The application having been heard on 24th June, 2003, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

The applicant who is a Rivetter Highly Skilled Grade II under the Section Engineer (Bridges), Southern Railway, Kannur, has filed this application for a declaration that he is entitled to be promoted to the post of Rivetter Highly Skilled Grade I from the date of promotion of his immediate junior and for a direction to the respondents to promote him to the post of

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Rivetter Skilled Grade I from the date of promotion of his immediate junior with all consequential benefits or in the alternative, a direction to the 2nd respondent to consider and dispose of A-7 representation without further delay.

2. The historical backdrop in which the application came to be filed can be stated thus:

The applicant who was initially engaged as a casual Khalasi under the Bridge Inspector, Special Works, Calicut on 4.7.1966 was regularly appointed as a Gangman on 21.9.75. He was transferred as Trolleyman and posted under the Bridge Inspector, Special Works, Mangalore by order dated 15.6.78. While working as Trolleyman, the applicant was selected and posted as Bridge Khalasi with effect from 13.12.80. The seniority list of Bridge Khalasis as on 31.7.83 (A-1) was published by the 3rd respondent vide his letter dated 28.11.83. The applicant was at Sl.No.18. However, the final seniority list of Bridge Staff as on 20.6.91 (A-2) was published as per letter dated 13.9.91, in which the applicant was shown at Sl.No.14. This A-2 seniority list was challenged by one Hariharan and 3 others in OA No.872/92. The Tribunal vide A-3 order allowed their claim and directed the respondents to give notional seniority to the applicants. Based on A-3 order, a revised seniority list A-4 was published. Finding that his seniority was not correctly fixed, the applicant made a representation to the 3rd respondent. The representation and appeal of the applicant were rejected and, therefore, the applicant filed OA No.1299/96. The claim of the applicant in OA No.1299/96 was allowed by A-5 order dated 15.7.98. The

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respondents were directed to publish a revised seniority list assigning proper seniority to the applicant. In obedience to the directions contained in A-5 order, A-6 seniority list was published in which the applicant was placed at Sl.No.25 above E.M.Bhaskaran, P.K.Kurup and P.Balan who are at Sl.Nos. 26, 27 & 28 respectively. Finding that the applicant was not given promotion with effect from the date on which his immediate junior Kurup was promoted to higher grade, the applicant submitted A-7 representation dated 10.1.2000. Finding no response to that, the applicant has filed this application for the reliefs as aforesaid.

3. The respondents resist the claim of the applicant. They admit that the applicant has been placed at Sl.No.25 in the seniority list and he is senior to P.K.Kurup. They also admit in para 8 of the reply statement that P.K.Kurup and 6 others were already promoted to the post of Rivetter Grade I from 1990 onwards which was before the revision of seniority and, therefore, in the absence of a direction of this Tribunal to give consequential benefits, the applicant is not entitled to claim the same.

4. We have carefully considered the material on record and have heard Sh.T.A.Rajan, the learned counsel of the applicant and Sh.P.Haridas, the learned counsel for the respondents.

5. Seniority in a grade or cadre will be meaningless unless the resultant benefit is made available to the employee. The most important benefit flowing from seniority is a right to be considered for promotion to higher grade or higher cadre at least with effect from the date on which the concerned employee's

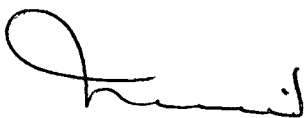
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immediate junior has been promoted. Now it is admitted that P.K.Kurup is junior to the applicant. It has got to be so, because it is so, as per the seniority list. The consequential benefit of consideration for higher grade with effect from the date on which P.K.Kurup was promoted has not been admittedly given to the applicant despite the representations made by him. We do not find any justification in denying the promotion to the applicant with effect from the due date.

6. In the light of what is stated above, this application is allowed, declaring that the applicant is entitled to be considered for promotion to the higher grade with effect from the date of promotion of his immediate junior P.K.Kurup. We direct the respondents to have the applicant's promotion to the post of Rivetter Highly Skilled Grade I considered from the date of promotion of his immediate junior by a review D.P.C. and if he is cleared by the D.P.C. to promote him with all consequential benefits including arrears of pay and allowances and to make available the benefits within three months from the date of receipt of a copy of this order. No order as to costs.

Dated 24th June, 2003.



T.N.T. NAYAR  
ADMINISTRATIVE MEMBER



A.V. HARIDASAN  
VICE CHAIRMAN

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