

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 592 of 2007

Thursday, this the 11th day of June, 2009

CORAM:

Hon'ble Mr. George Paracken, Judicial Member
Hon'ble Ms. K. Noorjehan, Administrative Member

1. M. Rajendran, aged 49 years, S/o. S. Murukeshan, Pointsman, Southern Railways, Shornur, Residing at 77A, Railway Quarters, Near Railway Hospital, Shornur.
2. K.V. Raghavan, aged 53 years, S/o. Velayudhan, Cabin Man, Southern Railways, Shornur, residing at Melepuram House, Kamba, Parali, Kinavallore, Palakkad. **Applicants**

(By Advocate – Mr. Shafik M.A)

V e r s u s

1. Union of India, represented by the General Manager, Southern Railway, Head Quarters, Chennai-3.
2. The Additional Divisional Railway Manager, Palghat Division, Souther Railway, Palghat.
3. The Senior Divisional Personnel Officer, Palghat Division, Southern Railway, Palghat.
4. The Senior Divisional Mechanical Engineer, Palghat Division, Southern Railway, Palghat. **Respondents**

(By Advocate – Mr. Thomas Mathew Nellimoottil)

The application having been heard on 11.6.2009, the Tribunal on the same day delivered the following:

O R D E R

By Hon'ble Mr. George Paracken, Judicial Member -

The applicants in this case were working as Points Man-A and Cabin Man-I respectively in the pay scale of Rs. 3050-4590 in Palghat Division.

During pendency of this case, the 2nd applicant Shri K.V. Raghavan passed away. Learned counsel for the applicants has requested to treat this OA as applicable only/^{to} the first applicant, namely Mr. M. Rajendran.

2. The applicant is aggrieved by the Annexure A-1 notification by which vacancies for Goods Guard in the scale of Rs. 4500-7000/- against 60% promotion quota by the process of selection from amongst the eligible volunteers of different categories including Assistant Guard/Senior Assistant Guard, Trains Clerk/Senior Trains Clerk, Yard Staff including Cabin Master, Shunting Master Grade-II and Senior Cabinman, Ticket Collector/Sr. Ticket Collector & Commercial Clerk/Sr. Commercial Clerk, was published. The applicant is a Pointsman which comes under the category of yard staff. He is also aggrieved by Annexure A-2 select list dated 22.3.2007 containing the names of 29 persons out of which 26 persons are from the first category of Assistant Guard/Senior Assistant Guards alone.

3. During the course of arguments, learned counsel for the applicant has brought to our notice that the Annexure A-2 select list has already been quashed by this Tribunal in OA No. 234 of 2007 vide order dated 22.10.2007 in Jayasanker P.V. & Ors. Vs. Union of India & Ors. The operative part of the said order is as under:

"22. Thus, the OA is allowed. The select list dated 22nd March, 2007 is quashed and set aside. Respondents are directed to adopt the procedure specified above and prepare a fresh panel and those who are selected shall be given the training (if not already given) and their promotion shall be strictly on the basis of their inter-se integrated seniority. Respondents are directed to pass suitable orders promoting the selected candidates. The entire drill has to be performed within a period of two months from the date of communication of this order. Respondent No. 1 (or for that matter the Railway Board) may consider adopting the above procedure in respect of promotion to various other posts, which have identical aspects of category-wise allocation, adjustment of shortfall in any of the categories and reservation quota as in the case of Goods Driver."

4. The learned counsel for the respondents has also agreed with the

aforesaid submission made by the learned counsel for the applicant.

5. In view of the above facts and circumstances of the case, we allow this OA and order that the order already passed in OA 234 of 2007 (supra) shall be applicable in this case also. There shall be no order as to costs.



(K. NOORJEHAN)
ADMINISTRATIVE MEMBER



(GEORGE PARACKEN)
JUDICIAL MEMBER

"SA"