

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 605 1993.

DATE OF DECISION 7.4.93

C. Jayaprakasan Applicant (s)

Mr. P. Sivan Pillai Advocate for the Applicant (s)

Versus  
Union of India through the  
General Manager, Southern Respondent (s)  
Railway, Madras-3 and others

Mr. Thomas Mathew, Nellimoottil Advocate for the Respondent (s) 1 & 2

CORAM :

The Hon'ble Mr. **N. DHARMADAN JUDICIAL MEMBER**

The Hon'ble Mr. **R. RANGARAJAN ADMINISTRATIVE MEMBER**

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. To be circulated to all Benches of the Tribunal? No

## JUDGEMENT

MR. N. DHARMADAN JUDICIAL MEMBER

Applicant is at present working as Boiler Chargeman-A grade in Scale Rs. 1600-2660/- at the Loco Shed, Coonoor in the Palghat Division of the Southern Railway. His grievance is against Annexure A-3 provisional seniority list of Boiler Supervisory Cadre of Shops and Open Line as on 1.7.91.

According to him one Shri Gandhi who has been shown as item No. 3 in the provisional seniority list of Boiler Supervisory staff in the scale of Rs. 2000-3200 as on 1.7.91 is a wrong fixation in the seniority considering the applicant's seniority in the feeder category. The applicant came to know of this assignment <sup>2 years 6 1/2</sup> of his junior at a later stage and

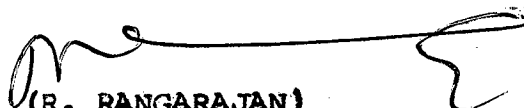
he filed Annexure A-5 representation before the first respondent. The said representation has not been disposed of so far. He has also filed Annexure A-6 CPO's letter dated 30.11.68 in support of his case. Since the same has not been disposed of, he has filed this application under section 19 of the Administrative Tribunal challenging the provisional seniority list.

2. At the time when the case was taken up for admission, learned counsel for applicant submitted that he will be satisfied if the application is disposed of directing the first respondent to consider Annexure A-5 and pass appropriate orders in accordance with rules taking into consideration Annexure-6. We heard learned counsel for respondents as well. He has no objection in accepting this course suggested by learned counsel for applicant.

3. Having heard counsel on both sides, we are satisfied that this application can be disposed of with appropriate directions. Accordingly, we admit the application and dispose of the same directing the first respondent to consider Annexure A-5 representation filed by the applicant against the provisional seniority list and dispose of the same in accordance with law. This shall be done within a period of four months from the date of receipt of a copy of this judgment.

4. Application is disposed of on the above lines.

5. There will be no order as to costs.

  
(R. RANGARAJAN)  
ADMINISTRATIVE MEMBER

  
(N. DHARMADAN) 2.4.93  
JUDICIAL MEMBER

7.4.93