

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. 64/2002

Wednesday this the 23rd day of January, 2002

CORAM

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

K.Sivakrishna Pillai, aged 51 years,
S/o N.Krishna Pillai,
Technician (Telecommunication) Gr.II
Signal & Telecommunications,
Southern Railway, Alleppey,
residing at Nadakkal Puthen Veedu,
Thathampalli PO,
Alleppey.

...Applicant

(By Advocate Mr. T.C.Govindaswamy)

V.

1. Union of India represented by the
General Manager,
Southern Railway, Headquarters Office,
Park Town PO, Chennai.3.
2. Cheif Personnel Officer,
Southern Railway, Headquarters Office,
Park Town PO, Chennai.3.
3. The Senior Divisional personnel Officer,
Southern Railway, Trivandrum Division,
Trivandrum.14.
4. The Divisional Signal Telecommunication
Engineer, Southern Railway,
Trivandrum Division,
Trivandrum.14.
5. Shri John Babu PO,
Technician (Telecommunication) Gr.II
Southern Railway,
Ernakulam Junction.

...Respondents

(By Advocate Mr. P. Haridas(R1-4))

The application having been heard on 23.1.2002, the
Tribunal on the same day delivered the following:

O R D E R

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

The applicant, Technician (Telecommunications)
Grade II is aggrieved that in the provisional seniority
list (Annexure.A2) the 5th respondent who has been rendered

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surplus in a different cadre and accommodated in the Telecommunication Wing of Trivandrum Division only with effect from 6.10.98 has been placed above him^{at sl.No.1}, whereas he has been placed at Sl.No.2. Aggrieved by the wrong fixation of seniority according to the applicant, he made Annexure.A3 representation on 26.2.2001. He has not been given anyreply. Now finding that the 5th respondent and another person have been alerted for a trade test for promotion to the post of Technician Grade I, the applicant has filed this application for the following reliefs:

- (i) Call for the records leading to the issue of Annexure.A2 and quash the same to the extend it places the fifth respondent above the applicant.
- (ii) Call for the records leading to the issue of Annexure.A4 and quash the same to the extend it relates to the fifth respondent.
- (iii) Direct the respondents to place the applicant above the fifth respondent in Annexure.A2 seniority list;
- (iv) Declare that the applicant is entitled to be considered for promotion to the post of Technician (Telecommunications) Grade I in scale Rs.4500-7000/- in preference to the 5th respondent, and direct the respondents to grant the consequential benefits thereof;
- (v) Award costs of and incidental to this application; and (vi) Such other orders or directions as deemed just, fit and necessary in the facts and circumstances of the case.

2. Shri P.Haridas, Standing counsel for the Railways took notice for Respondents 1 to 4. Counsel on either side agree that the application may be disposed of directing the third respondent to consider the representation made by the applicant (Annexure.A3) and to give him a speaking order within a reasonable time.

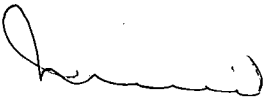
3. In the light of the above submission, the application is disposed of directing the third respondent to give the applicant a speaking order on his representation made on 26.2.2001 (A3) objecting to the

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position of seniority between him and the 5th respondent within a period of two months from the date of receipt of a copy of this order. There is no order as to costs.

Dated the 23rd day of January, 2002


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

(s)

A P P E N D I X

Applicant's Annexures:

1. A-1 : A true copy of the letter No.V/P 612/IX/Vol.I dated 6.2.2001.
2. A-2 : A true copy of the Seniority list of Technicians (Telecommunication) Grade II of Trivandrum Division as on 15.1.2001 published by the 3rd respondent.
3. A-3 : A true copy of the representation dt.26-2-2001 to the 3rd respondent submitted by the applicant.
4. A-4 : A true copy of the letter No.V/P 535/IX/TCM.I/Vol.I of 27.11.2001 issued by the third respondent.

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24.1.02