

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.71 of 1995

Friday, this the 13th day of January, 1995.

CORAM

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR SP BISWAS, ADMINISTRATIVE MEMBER

1. G. Somanathan Nair, S/o Gopalan Nair, Aged 53 years, Traffic Inspector, Head Quarters, Southern Railway, Palakkad. ~~Sankaramangalam~~ Chandramangalam House, Keerikkad P.O., Mavelikkara.
2. P. Balakrishnan, 16352, S/o C.V.Karunakaran Nair, Aged 55 years, Station Master/I, Badagara, Southern Railway, Palghat Division, Prakash, P.O.Nanminda-673 013.
3. S.P. Vijaya Pisharody, S/o K.P. Raghava Pisharody, Aged 55 years, Sujasree, P.O.Kulappully, Shornur-2, Station Master, Kannoor Railway Station.
4. K.M. Venkatachalam, S/o Madatha Mudaliar, Aged 56 years, Station Master/I, Coimbatore Junction, 87 C Railway Colony, Coimbatore.
5. C.K. Karunakaran, S/o C. Choyi, Aged 55 years, Station Master, Kallayi, Chirag House No.13/280, Peruvattoor, Quilandi.
6. V. Nandakumaran, S/o S.V.R. Variar, Aged 51 years, Station Master/Gr.I, Mettupalayam, No.44, Railway Quarters, Mettupalayam.
7. V.B. Sankaranunni Menon, S/o K.M. Balakrishna Menon, Aged 53 years, Traffic Inspector, (Lakshmi Kiron, Mankave Calicut - 7)

(Applicants 2 to 7 represented by authorised agent Ist applicant - G. Somanathan Nair, S/o Gopalan Nair, Aged 53 years, Traffic Inspector, Head Quarters, Southern Railway, Palakkad. Chandramangalam House, Keerikkad P.O., Mavelikkara.)Applicants

By Advocate Mr MR Rajendran Nair.

Vs

Respondents:-

1. Union of India represented by Secretary to Government, Ministry of Railways, New Delhi.
2. The General Manager, Southern Railway, Madras.
3. The Divisional Railway Manager, Southern Railway, Palakkad.
4. The Senior Divisional Personnel Officer, Southern Railway, Palakkad.Respondents

By Mrs Sumathi Dandapani.

O R D E R

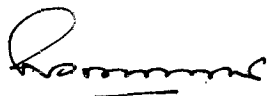
CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN


Applicants seek a declaration to the effect that promotion to Group B posts can be made only on the basis of the final seniority list, to be drawn up on the basis of the orders in OA 375/93 and connected cases. The question for consideration in those cases was whether the principle of communal reservation was to be applied to the cadre strength, or to the vacancies arising. Following the decision in GC Mallik & others Vs. Union of India (1978 (1) SLR 844) (High Court, Allahabad) and other cases, and also noticing the directions of the Supreme Court in CA 2017/78, we directed respondent Railways to work out reliefs on the basis of those judgments, and to draw up a seniority list.

2. Applicants apprehend that appointments will be made, even before a seniority list is drawn up on the basis of the direction aforesaid. That cannot be done and, that is not likely to be done, either. If however there is urgency to fill up the vacancies before finalising the seniority list, then vacancies will be filled up on a purely ad hoc basis, and the appointees will be informed that the appointments will be ad hoc and subject to the implementation of the directions in OA-375/93 and connected cases.

3. Application is disposed of as aforesaid. No costs.

Friday this the 13th day of January, 1995.


SP BISWAS
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN