

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 86 1993.

DATE OF DECISION 8.2.93

George Paul Applicant (s)

Mr. P.K. Madhusoodhanan Advocate for the Applicant (s)

Versus

The Divisional Personnel Respondent (s)
Officer, Southern Railway, Trivandrum and others

Mr. M.C. Cherian Advocate for the Respondent (s)

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

The applicant ^{being} aggrieved by the denial of fixation of due seniority in the category of A.C. Khalasis, filed this application under section 19 of the Administrative Tribunals Act with the following prayers:

- a) To direct the respondents to consider and dispose of Annexure A-8 representation and the representation dated 12.9.90 in accordance with law and finalise the seniority list dated 6.5.90 expeditiously.
- b) To direct the respondents to grant seniority to the applicant with effect from 7.3.84 in the cadre of AC Khalasis and grant all consequential benefits arising therefrom.
- c) To restrain the respondents from effecting further promotions in the AC cadre on the basis of Annexure A-7 provisional seniority list.
- d) Award costs of these proceedings.

(e) Grant such other further reliefs as may be prayed for and this Hon'ble Tribunal deed fit and proper to meet the ends of justice."

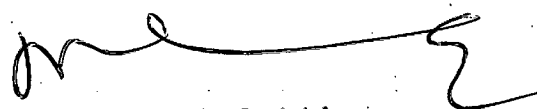
2. According to the applicant he is similarly situated like the applicants in O.A. 159/88, 298/88, 95/88. Those cases were heard and allowed directing re-fixation of the seniority in the A.C. cadre. Accordingly, the Railway has issued Annexure A-7 provisional seniority list of A.C. Khalasis as on 1.5.90. The applicant was not given the benefit of higher seniority in that list based on the judgment obtained by similarly situated employees. Hence, he has filed Annexure A-8 representation dated 31.7.90 before the Divisional Personnel Officer, Southern Railway, Trivandrum. That representation has not been disposed of so far. Hence, he has filed this application.

3. At the time when the case came up for admission, learned counsel for respondents submitted that this application can be disposed of for passing appropriate orders by the DPO on Annexure A-8 representation.

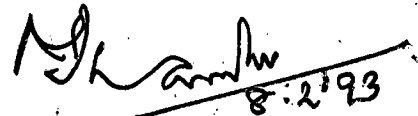
4. Having heard learned counsel on both sides, we are of the view that this application can be disposed of at the admission stage itself. Accordingly, we admit the application and dispose of the same directing the first respondent to consider Annexure A-8 representation and pass appropriate orders in accordance with law. This shall be done within two months from the date of receipt of a copy of this judgment.

5. The application is accordingly disposed of.

6. There shall be no orders as to costs.



(R. RANGARAJAN)
ADMINISTRATIVE MEMBER


8.2.93

(N. DHARMADAN)
JUDICIAL MEMBER

8.2.93

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