

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

O.A.No.98/06

Tuesday this the 21<sup>st</sup> day of February 2006

**C O R A M :**

**HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN  
HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER**

P.I.Moideen,  
S/o.E.U.Ismail,  
Mail Man, Sub Record Office,  
Trichur. (under orders of transfer to HRO, Ernakulam)  
Residing at Panikkaveetil House,  
P.O.Vadookkara, Kurukkanchery,  
Trichur.

...Applicant

(By Advocate Mr.M.R.Hairaj)

**Versus**

1. Union of India represented  
by the Secretary to the Government of India,  
Ministry of Communications, New Delhi.
2. Senior Superintendent of RMS,  
Ernakulam Division, Ernakulam.
3. Sub Record Officer,  
Sub Record Office,  
RMS, Trichur.

...Respondents

(By Advocate Mrs.Mini R Menon)

This application having been heard on 21<sup>st</sup> February 2006 the Tribunal on the same day delivered the following :

**ORDER**

**HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN**

The applicant is aggrieved by the gradation list at Annexure A-1 issued by the 3<sup>rd</sup> respondent upsetting his seniority. It is also submitted that an order has been issued transferring him from Trichur to Ernakulam on the ground of surplusage and that he has not been served with a copy of the order. The applicant is on leave from 15.2.2006 on medical grounds and apprehends that he will be transferred when he rejoins duty. Counsel

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for the applicant has shown us the final gradation list of Mail Man in the RMS EK Division as on July 2001 where the applicant is at Serial No.131. But in the impugned gradation list now issued, people juniors to him from Serial No.153 in the final gradation list of RMS EK Division are shown as senior to him and Serial No.18, who is only a temporary employee in the final gradation list, is also shown as senior to him in the impugned gradation list. It is submitted that the seniority has been so revised so as to declare him surplus and to transfer him out.

2. According to the records there seems to be a change in the seniority and no notice has been given to the applicant regarding this change. The applicant submits that he has not been given any time for making representation against the gradation list which is shown to be a final list. In the interest of justice, we direct the applicant to make a comprehensive representation against this change of seniority to the 2<sup>nd</sup> respondent within a period of one week from the date of receipt of a copy of this order and the 2<sup>nd</sup> respondent shall on receipt of the said representation dispose of the same within a period of three weeks. Till then no action may be taken against the applicant on the ground of surplusage. The O.A is disposed of accordingly. No order as to costs.

(Dated the 21<sup>st</sup> day of February 2006)

  
**GEORGE PARACKEN**  
**JUDICIAL MEMBER**

  
**SATHI NAIR**  
**VICE CHAIRMAN**

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