

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

.....

O.A. 112/93

Monday, this the 17th day of January, 1994

Hon'ble Shri N.Dharmadan, Judicial Member

Hon'ble Shri S.Kasipandian, Administrative Member

M.George,
Welder Gr.III,
BRI/O/Erode.

... Applicant

By Advocate Shri P.Sivan Pillai

Versus

1. The Divisional Personnel Officer,
Southern Railway, Palghat.

2. C.Mani,
Welder Gr.II,
Office of the Permanent
Way Inspector,
Southern Railway,
Erode.

.... Respondents

By Shri TPM Ibrahim Khan, ACGSC

ORDER

N.Dharmadan, JM

A claim of seniority of the applicant over the 2nd respondent is the issue arising in this case. Both the applicant and the second respondent were originally engaged as Gangmen in the scale of Rs 775-1025. They were given the option to become Artisan Khalasi in the scale of Rs 750-940. Considering the option given by the applicant and the second respondent, they were transferred to the Artisan Khalasi cadre.. Accordingly they joined on 5.1.83 and 16.3.83 respectively. The applicant submitted that even in the category of Gangmen he was senior to the second respondent. When the promotion order Annexure-A2 was issued on 28.5.86, the second respondent was shown as Sl.No.1 above the applicant. The applicant filed several representations objecting to the assignment of higher place to 2nd respondent in the seniority list. In the meantime, Ann.A3

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impugned order dated 15.10.90 was issued in which the second respondent was shown again as senior as Item No.10 in the cadre of Welder HS-II. The applicant was shown as item No.11 in the cadre of Welder HS-III. Applicant again submitted a representation through Union. Ultimately Ann.A4 was issued to the Divisional Secretary of the Union in which the applicant is a member. It is the copy of the minutes of the meeting held on 29.4.92 in which the DPO has agreed to verify the matter for granting relief to the applicant. The relevant portion is quoted below:

"As per the seniority list No.J/P.524/IX/Screening/ ED dated 31.7.75 Sri M.George LTI No.776 is senior to Sri C.Mani,, Sri M.George has assigned as item No.76 where as Sri C.Mani as item No.143. Taking into consideration of his seniority as per the screening list, the circumstances under which Sri C.Mani became senior to him in the Artizan Cadre vide O.O.No.J/W.86/82(J/P 535/X/MISC/Welder/Vol.2) of 27.12.82 will be verified. The contention of date of joining will also be verified."

2. In the light of the statement in Annex.A4, we are satisfied that the applicant's case can be disposed of with a direction to the 1st respondent to finalise the seniority of the applicant, vis-a-vis the second respondent after verification of the details and dates of original appointment and also the dates of their joining in the Artisan cadre with reference to para 212 of the Railway Establishment Manual and the contention of the applicant as raised in the OA. We do so. We further direct that the 1st respondent shall comply with the above direction uninfluenced by any of the statements in the reply and the impugned order Annexure-A3. It goes without saying that if the applicant is found to be senior to the 2nd respondent, 1st respondent may effect suitable alteration in the seniority list of Welders under Engineering Department for rectifying the mistake. The directions shall be complied

with within a period of 4 months from the date of receipt of a copy of this order.

3. The OA is disposed of as above. No costs.

S.Kamal
(S.Kasipandian)
Member (A)

N.Dharmadan
(N.Dharmadan)
Member (J)
17.1.94.