

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.128/2001

Monday this the 5th day of February, 2001

CORAM

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

1. C.Pankajakshan,
Retired Chief Booking Supervisor,
Southern Railway, Palakkad S.No.1653,
now residing at Kozhikalath House,
Near District Jail,
Kozhikode.4.
 2. T.Balaraman,
Retired Chief Booking Supervisor,
S.Railway, Calicut now residing at
23/1630, Thottungal House,
Thiruvananthapuram Road,
Kallai. PO
Kozhikode.3.
 3. V.K.Bhuvanadasan,
Retired Chief Booking Clerk,

Southern Railway,
Shornur residing at
Santhi Bhavan, Cherukara PO,
Perinthalmanna, Malappuram
District.679 340.
 4. K.P.Vijayaraghavan,
Kallayikudiparambath
Retired Chief Parcel clerk,
S.Railway, Calicut now residing at
Krishnanivas,
Near Chanthaparambu, Badakara.
 5. M.Balagopal,
Retired Chief Booking Clerk,
Southern Railway, Calicut
residing at H.No.44/1323,
Kannapuram PO,
Chettupuzha.Trichur.
- ...Applicants

(By Advocate Mr. KA Abraham)

v.

1. The Union of India represented by the
Chairman, Railway Board,
Rail Bhavan, New Delhi.1.
2. General Manager,
Southern Railway, Chennai.

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3. Chief Personnel Officer,
Southern Railway,
Chennai.
 4. Divisional Railway Manager,
Southern Railway,
Palakkad.
 5. Senior Divisional Personnel Officer,
Southern Railway,
Palakkad.Respondents
- (By Advocate Mrs.Sumati Dandapani)

The application having been heard on 5.2.2001, the Tribunal on the same day delivered the following:

O R D E R

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

The applicants five in number who retired on superannuation on 31.8.91, 31.8.92, 30.9.95, 31.8.91 and 31.8.98 respectively have filed this application for the following reliefs:

(a) The respondents Railway Administration may be directed to produce records relating to assignment of seniority and promotions effected in different grades of Commercial Clerks and peruse the same.

(b) To issue a direction to the respondents Railway to review and recast the provisional seniority list of different grades taking into consideration the objection filed by the applicants in the light of the decision of the Supreme Court in AJITH SINGH II and the High Court in Annexure.A4 order of this Hon'ble Tribunal.

(c) To direct the respondents to implement the decision of the Supreme Court in Ajith Singh II extending the benefits uniformly to all commercial Clerks without any discrimination and without limiting only to the persons who have filed cases before CAT(s)/Court(s) as ordered in Annexure. A7 and to declare that such limitation is discriminatory and illegal.

(d) To direct the respondents to promote the applicants in the places erroneously occupied by their junior reserved category candidates retrospectively with all attendant benefits reviewing the seniority lists in all the higher grades of Commercial Clerks prior to their retirement and;


(e) To allow such other reliefs as deem fit and proper by this Hon'ble Tribunal.


Contd....

2. It has not been indicated in the application as to what date the applicants would have been entitled to the promotion and how their chances for promotion have been affected. In view of what is stated in the Judgment of the Hon'ble Supreme Court in Ajith Singh II Case (1999) 7 SCC 209 promotions made prior to 10.2.95 are protected, no reversion is to be made and only review of seniority is to be effected. There is no allegation in the application that even after 10.2.95 any reserved community official has been given benefit of seniority based on their accelerated promotion against roster points, and given further promotion affecting the seniority or promotion of any one of the applicants. The case of the applicants appears to be that, since the reserved category officials had been given unmerited promotion earlier, their occupation of promotional level of post even prior to 10.2.95 being unlawful, the applicants should be given promotion to those posts. The learned counsel of the applicants is not in a position to support their case on the basis of any observations of the Hon'ble Supreme Court in its Judgment in Ajith Singh II Case.

3. In the light of what is stated above, we do not find any legitimate cause of action for the applicants. The application is, therefore, rejected under Section 19(3) of the Administrative Tribunals Act, 1985.

Dated the 5th day of February, 2001


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

s.

List of annexure referred to:

Annexure.A4: True copy of the Order dated 30.8.1996 in SLP.

Refer notes on pre-page.

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Now a certified copy of the Hon'ble High Court of Kerala order dated 11-6-2002 in RP Nos. 186, 190, and 191 of 2002 in OP Nos. 9005, 28716 and 5290 respectively of 2001. By the order the Hon'ble Court has dismissed all the R.Ps.

The above order of the Hon'ble Court is put up for information please.

16/7/02

DR
Registrar

16/7/02
16/7/02

Hon'ble V.C.

Hon'ble Member (A-II)

16/7/02
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