

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A Nos. 902/2010, 40/2011, 135/2011, 598/11, 646/2011, 656/2011, 5740/2011,
744/2011, 772/2011, 836/2011, 837/2011 and 880/2011

Friday, this the 17th day of February, 2012.

CORAM

HON'BLE Dr K.B.S.RAJAN, JUDICIAL MEMBER

O.A.No.902/2010

1. Toby Abraham, S/o Abraham Philip,
Assistant Loco Pilot, O/o Sr. Section Engineer,
Carriage & Wagon, Southern Railway, Palghat Division,
Palghat, Permanent address: Aickaravil, Panacheppally P.O.
Koovappally (via), Kottayam-686 518.
2. Ajayakumar.T., S/o N.P.Thulaseedharan Nair,
Assistant Loco Pilot, O/o Sr. Section Engineer,
Carriage & Wagon, Southern Railway, Palghat Division,
Palghat, Permanent address: Thulasitharayil,
Kulakkada East P.O., Kottarakkara (via),
Koilam Dist-691 521.
3. Venugopal S, S/o K.G.Sreedharan Pillai,
Assistant Loco Pilot, O/o Sr. Section Engineer,
Carriage & Wagon, Southern Railway, Palghat Division,
Palghat, Permanent address: Raj Bhavan,
Kalluvathukkal.P.O., Kollam-691 578.
4. K.S.Shijumon, S/o K.K.Sambasivan,
Assistant Loco Pilot, O/o Sr. Section Engineer,
Carriage & Wagon, Southern Railway, Palghat Division,
Palghat, Permanent address: Kavanakudy House,
Vadayampady.P.O., Ernakulam Dist. 682 308.
5. S.Prasam, S/o P.G.Sadasivan(late),
Assistant Loco Pilot, O/o Sr. Section Engineer,
Carriage & Wagon, Southern Railway, Palghat Division,
Palghat, Permanent address: Pattathil Veedu,
Thazham, Chathannur.P.O., Kollam,
Kerala-691 572.

(By Advocate Mr TC Govindaswamy)

v.

1. Union of India represented by
the General Manager, Southern Railway,
Headquarters Office, Park Town.P.O.
Chennai-3.

2. The Chief Personnel Officer,
Southern Railway,
Headquarters Office, Park Town.P.O.
Chennai-3.
3. The Senior Divisional Personnel Officer,
Southern Railway, Palghat Division,
Palghat.
4. The Senior Divisional Personnel Officer,
Southern Railway, Trivandrum Division,
Trivandrum-695 014.
5. V.John Peter,
Assistant Loco Pilot, Southern Railway,
Ernakulam Junction, Residing at: 134A,
Railway Quarters, Ernakulam, Kochi.
6. M.G.Johnson Lionel,
Assistant Loco Pilot, Southern Railway,
Ernakulam Junction, Residing at: 134B,
Railway Quarters, Ernakulam, Kochi..
7. Indraraj Meena,
Assistant Loco Pilot, Southern Railway,
Ernakulam Junction, Residing at: 135,
Railway Quarters, Ernakulam, Kochi. - Respondents

(By Advocate Mr Thomas Mathew Nellimoottil for R.1 to 4)

(By Advocate Mr M.P.Varkey for R.5 to 7)

O.A.NO.40/2011

1. R.Vijayan Pillai, S/o Ramakrishna Pillai,
Station Master-III/Southern Railway,
Shornur Railway Station, Residing at:
"Sivanjali", Thamarakkuppam.P.O.,
Thamarakkuppam, Alleppey Dist.
2. Shajiraj, S/o Somarajan,
Station Master-III/Southern Railway,
Karakkad Railway Station, Residing at:
Kolassery House, Edakulangara.P.O,
Karunagappally, Kollam Dist.
3. Jiji J Aruparayil, S/o C.T.Joseph,
Station Master-III/Southern Railway,
Pazhayangadi Railway Station,
Residing at: Aruparayil House,
Muttar.P.O., Alleppey Dist. 689 574. - Applicants

(v Advocate Mr TC Govindaswamy)

v.

1. Union of India represented by
the General Manager, Southern Railway,
Headquarters Office, Park Town.P.O.
Chennai-3.
2. The Senior Divisional Personnel Officer,
Southern Railway, Palghat Division,
Palghat.
3. The Divisional Railway Manager,
Southern Railway, Trivandrum Division,
Trivandrum.
4. The Senior Divisional Operations Manager,
Southern Railway, Palghat Division,
Palghat.
5. The Chief Operations Manager,
Southern Railway, Headquarters Office,
Park Town.P.O., Chennai-600 003.
6. The Chief Personnel Officer,
Southern Railway, Headquarters Office,
Park Town.P.O., Chennai-600 003.
7. The Chief Passenger Transportation Manager(CPTM),
Southern Railway, Headquarters Office,
Park Town.P.O., Chennai-600 003. - - - Respondents

(By Advocate Ms P.K.Radhika)

O.A.No.135/2011

1. D.Dayanandan, S/o P.K.Das,
Assistant Station Master/Southern Railway/
Chullimada RS & PO, Palghat District.
Permanent address: Anakkalichira,
North Aryad.P.O., Alleppey-688 542.
2. P.Ramesh, S/o Padmanabha Iyer,
Assistant Station Master/Southern Railway/
Kottikulam RS & PO, Kasargode Dist.
Residing at: Railway Quarters,
Kottikulam-671 532. - - - Applicants

(By Advocate Mr TC Govindaswamy)

v.

1. Union of India represented by
the General Manager, Southern Railway,

Headquarters Office, Park Town.P.O.
Chennai-3.

2. The Divisional Railway Manager,
Southern Railway, Palghat Division,
Palghat-678 001.
3. The Divisional Railway Manager,
Southern Railway, Trivandrum Division,
Trivandrum-695 001.
4. The Senior Divisional Personnel Officer,
Southern Railway, Palghat Division,
Palghat-678 001.
5. G.Sreeraj, S/o Gopalakrishna Pillai,
Asstt. Station Master/Quilon,
Residing at: Krishnavilasam,
Vellooppara, Poredom.P.O.
Chadayamangalam, Kollam.
6. A.P.Jiju, S/o Achuthan Nair,
Asstt. Station Master/Alwaye,
Residing at Kodalil House,
Chemancheri.P.O., Kozhikode.
7. V.P.Priyam, S/o Purushan,
Asstt. Station Master/Piravam Road,
Residing at: Vadakkethuruthummel,
Cherai.P.O., Ernakulam Dist.
8. R.Bindu, W/o K.Ramakrishnan,
Asstt. Station Master, Ernakulam Town,
Residing at: Pranavam, HMT Colony,
Kalamasserry, Ernakulam Dist.Respondents

(By Advocate Mr Thomas Mathew Nellimoottil for R.1 to 4)

(By Advocate Mr M.P.Varkey for R.5 to 8)

O.A.No.598/2011

Chandramohan.V.R., S/o M.R.Raman,
Station Master, Thannur Railway Station & P.O.
Malappuram District, Permanent address:
"Abhilash", Chaliyath House,
Thekkumbhagam, Tripunithura-682 301. - Applicant

(By Advocate Mr TC Govindaswamy)

1. ~~Union of India represented by
the General Manager, Southern Railway,~~

Headquarters Office, Park Town.P.O.
Chennai-3.

2. The Chief Personnel Officer,,
Southern Railway, Headquarters Office,
Park Town.P.O., Chennai-3.
3. The Senior Divisional Personnel Officer,
Southern Railway, Palghat Division,
Palghat.
4. The Senior Divisional Personnel Officer,
Southern Railway, Trivandrum Division,
Trivandrum-695 014. - Respondents

(By Advocate Mrs K Girija)

O.A.No.646/2011

1. V.Dinakaran, S/o A Vellaisamy,
Assistant Loco Pilot, O/o Chief Crew Controller,
Southern Railway, Erode, Salem Division,
Permanent address: No.3/155, Vellakovil Street,
Keela Ilanthalikulam, Thachanallur Post,
Tirunelveli Dist. Tamil Nadu.
2. O.M.Kamaraj, S/o O.M.Murugesan,
Assistant Loco Pilot, O/o Chief Crew Controller,
Southern Railway, Erode, Salem Division,
Permanent address: Plot No.145, Transport Nagar,
PTC Post, Madurai-625 022, Tamil Nadu. - Applicants

(By Advocate Mr TC Govindaswamy)

v.

1. Union of India represented by
the General Manager, Southern Railway,
Headquarters Office, Park Town.P.O.
Chennai-3.
2. The Senior Divisional Personnel Officer,
Southern Railway, Palghat Division,
Palghat.
3. The Senior Divisional Personnel Officer,
Southern Railway, Madurai Division,
Madurai.
4. The Senior Divisional Personnel Officer,
Southern Railway, Salem Division,
Salem.
5. The Chief Crew Controller,
Southern Railway, Erode Junction

Railway Station, Erode.

6. The Assistant Personnel Officer/E,
Southern Railway,
Salem Divisional Officer, Salem. - Respondents

(By Advocate Ms P.K.Radhika

O.A.No.656/2011

1. M.G.Joseph Martin, S/o M.M.George,
Senior Assistant Loco Pilot, CCRC Office,
Southern Railway, Erode,
Residing at Maliyakkal House,
Cherthala South.P.O., Alappuzha Dist.
2. M.Biju, S/o K.P.Maniyan,
Senior Assistant Loco Pilot, CCRC Office,
Southern Railway, Erode,
Residing at: Kalathil House, Kainadi.P.O.
Alappuzha Dist.
3. S.Ajith Pramod, S/o Sankunny Achari,
Senior Assistant Loco Pilot, CCRC Office,
Southern Railway, Erode,
Residing at Chellikuzhy.P.O.,
Nedumam via, Kollam.
4. Linson K.U., S/o Uthuppu,
Senior Assistant Loco Pilot, CCRC Office,
Southern Railway, Erode,
Residing at Kozhipadam House,
Manjapra.P.O., Angamaly,
Ernakulam. - Applicants

(By Advocate Mr Martin G Thottan)

v.

1. The Chief Personnel Officer, Southern Railway,
Headquarters Office, Park Town.P.O.
Chennai-3.
2. The Senior Divisional Personnel Officer,
Southern Railway, Salem Division,
Salem-4.
3. The Senior Divisional Personnel Officer,
Southern Railway, Trivandrum Division,
Trivandrum-14. - Respondents

(By Advocate Mr V.V.Joshy)

O.A.No.740/2011

1. Sreejith K Namboothiri, S/o Kesavan Namboothiri,
Assistant Loco Pilot, CCRC Office,
Southern Railway, Erode, Residing at:
Sreeragam, Thattambalam.P.O.
Alappuzha District.
2. C.Sherin, S/o Christunand,
Assistant Loco Pilot, CCRC Office,
Southern Railway, Erode, Residing at:
Ananda Bhavan, Cheriyakonni.P.O.
Trivandrum District.
3. V.V.Sankar, S/o B Vijayakumar,
Assistant Loco Pilot, CCRC Office,
Southern Railway, Erode, Residing at:
Lakshmi Nivas, Neyyattinkara,
Trivandrum District.
4. G.Lineesh, S/o G Gopinathan,
Assistant Loco Pilot, CCRC Office,
Southern Railway, Erode, Residing at:
Lissy Bhavan, Althara Moodu.P.O.
Trivandrum.
5. A.P.Nitheesh, S/o G Purushothaman,
Assistant Loco Pilot, CCRC Office,
Southern Railway, Erode, Residing at:
Ganga Thankamam, Attingal, Trivandrum.
6. Sreeraj, S/o Ramachandran Nair,
Senior Assistant Loco Pilot, CCRC Office,
Southern Railway, Erode, Residing at:
Seelakshmi, Chirayinkeezhu.P.O.
Trivandrum.
7. T.Sarath, S/o Thulasidharan Pillai,
Assistant Loco Pilot, CCRC Office,
Southern Railway, Erode, Residing at:
Vilayal Veedu, Ponganadu.P.O.
Trivandrum.
8. Riyaz A, S/o Abdul Samad,
Assistant Loco Pilot, CCRC Office,
Southern Railway, Erode, Residing at:
Vadakke Veedu, Ayathil.P.O., Kollam.
9. P.R.Abi, S/o Raghavan,
Assistant Loco Pilot, CCRC Office,
Southern Railway, Erode, Residing at:
Pallapparambil House, Memury.P.O.
Kottayam.
10. Sudhir Gopi, S/o Gopi,
Assistant Loco Pilot, CCRC Office,

**Southern Railway, Erode, Residing at:
House No.53, Pattathanam.P.O., Kollam.**

11. B.Abilash, S/o Balakrishnan,
Assistant Loco Pilot, CCRC Office,
Southern Railway, Erode, Residing at:
Pulinkala Veedu, Kilimanoor.P.O.
Trivandrum.
12. Kiran Bose, S/o Chandrabose,
Assistant Loco Pilot, CCRC Office,
Southern Railway, Erode, Residing at:
Devamrutham, Sreekaryam.P.O., Trivandrum.
13. Rakesh Thambi, S/o Divakaran Nair,
Assistant Loco Pilot, CCRC Office,
Southern Railway, Erode, Residing at:
Saranya Nivas, SHMPO, Kottayam.
14. P.Bright, S/o Premraj.K.,
Assistant Loco Pilot, CCRC Office,
Southern Railway, Erode, Residing at:
Thairilakom, Vakkom.P.O., Trivandrum.
15. G.S.Sreeju, S/o Gopinathan Pillai,
Assistant Loco Pilot, CCRC Office,
Southern Railway, Erode, Residing at:
S.G.Nivas, Chandanathil, Kattayikonam.P.O.
Trivandrum.
16. K.R.Abilash Babu, S/o Babu,
Assistant Loco Pilot, CCRC Office,
Southern Railway, Erode, Residing at:
Veloothara House, Kumarakom.P.O.
Kottayam.
17. Vishnu V, S/o K.C.Varadarajan,
Assistant Loco Pilot, CCRC Office,
Southern Railway, Erode, Residing at:
Lakshmi Bhavanam, Varkkala.P.O.
Trivandrum.
18. K.S.Manu, S/o T.R.Sukumaran Nair,
Assistant Loco Pilot, CCRC Office,
Southern Railway, Erode, Residing at:
Kavunkal House, Neyyashiny.P.O., Idukki.
19. G.Shibu, S/o Gopi.S,
Assistant Loco Pilot, CCRC Office,
Southern Railway, Erode, Residing at:
Residing at Navanagar Building,
Powdikonam, Trivandrum.
20. Biju.B.P., S/o N.Parameswaran,
Assistant Loco Pilot, CCRC Office,
Southern Railway, Erode, Residing at:

Moolayil Puthveedu, Vadakkevila.P.O., Kollam.

21. S.Jayakumar, S/o Sivanandan,
Assistant Loco Pilot, CCRC Office,
Southern Railway, Erode.
Residing at Nandanam, Chirayimkeeshu.P.O.
Trivandrum. Applicants

(By Advocate Mr Martin G Thottan)

v.

1. The Chief Personnel Officer, Southern Railway,
Headquarters Office, Park Town.P.O.
Chennai-3.
2. The Senior Divisional Personnel Officer,
Southern Railway, Salem Division,
Salem-4.
3. The Senior Divisional Personnel Officer,
Southern Railway, Trivandrum Division,
Trivandrum-14. Respondents

(By Advocate Mr K.M.Anthru)

O.A.No.744/2011

1. A.Ajay, S/o G Anandan Nair,
Assistant Loco Pilot/
O/o the Sr. Section Engineer/
Carriage & Wagon/ Southern Railway,
Palghat Division, Palghat, permanent address:
'Santhi Mandiram', Puthenkulam.P.O.
Kollam-671 302.
2. S.Binoy, S/o K Somasekharan Pillai,
Assistant Loco Pilot/
O/o the Sr. Section Engineer/
Carriage & Wagon/ Southern Railway,
Palghat Division, Palghat, Permanent address:
Thusharam, Poovattoor West, Mavady.P.O.
Kottarakkara (Tk), Kollam – 691 507.
3. James P Samuel, S/o Samuel,
Assistant Loco Pilot/
O/o the Sr. Section Engineer/
Carriage & Wagon/ Southern Railway,
Palghat Division, Palghat, Permanent Address:
Padinjare Purackal, Pandiyammaru,
Melukavumattom.P.O., Kottayam Dist.
4. P.Krishnaraj, S/o Prabhakumar,
Assistant Loco Pilot/
O/o the Sr. Section Engineer/
Carriage & Wagon/ Southern Railway,

Palghat Division, Palghat, Permanent Address:
Mooleparambil House, Kallara.P.O.,
Kottayam-686 611.

5. **S.Renjith, S/o K Sukumara Pillai,
 Assistant Loco Pilot/
 O/o the Sr. Section Engineer/
 Carriage & Wagon/ Southern Railway,
 Erode/(Lien at Palghat Division), Permanent Address:**
Karoor Sreerangan, Cheravally, Kayamkulam.P.O.
Alappuzha-690 502.
6. **Sudheesh.K.M., S/o Krishnan Nair,
 Assistant Loco Pilot/
 O/o the Sr. Section Engineer/
 Carriage & Wagon/ Southern Railway,
 Palghat Division, Palghat, Permanent Address:**
Ananda Bhavan, T.C.15/758, Sasthamangalam.P.O.
Trivandrum-695 010. - **Applicants**

(By Advocate Mr TC Govindaswamy)

v.

1. **Union of India represented by
 the General Manager, Southern Railway,
 Headquarters Office, Park Town.P.O.
 Chennai-3.**
2. **The Chief Personnel Officer,,
 Southern Railway,Headquarters Office,
 Park Town.P.O., Chennai-3.**
3. **The Senior Divisional Personnel Officer,
 Southern Railway, Palghat Division,
 Palghat.**
4. **The Senior Divisional Personnel Officer,
 Southern Railway, Trivandrum Division,
 Trivandrum-695 014.** - **Respondents**

(By Advocate Mrs K Girija)

O.A.NO.772/2011

1. **Ajeesh E.K., S/o Asokan E.K.,
 Assistant Loco Pilot, CCRC Office, Southern Railway,
 Erode, Residing at Twins House, Keezhal.P.O.,
 Vatakara, Calicut-673 104.**
2. **A.Subhash, S/o KK Arjunan,
 Assistant Loco Pilot, CCRC Office, Southern Railway,
 Erode, Residing at Lakshmi Nivas, Parli.P.O., Palakkad.**
3. **K.Retheesh, S/o K Mohandas,
 Assistant Loco Pilot, CCRC Office, Southern Railway,**

Erode, Residing at Thazhathedath Parambu.P.O.
Pokkunnu, Kacherikunnu, Kozhikode-13.

4. Vijesh B, S/o Vijayan T,
Assistant Loco Pilot, CCRC Office, Southern Railway,
Erode, Residing at V.S.Nivas, Kakkara, Near Edakkad
Panchayat Office, P.O.Thottada, Kannur-670 007.
5. Jijesh Babu.T.N., S/o Chandran T.N.,
Assistant Loco Pilot, CCRC Office, Southern Railway,
Erode, Residing at Chandhni, Thacharakkal
Nalukandathil, Chettikulam, Elathu.P.O.
Kozhikode-303.
6. Hareesh N, S/o Kunhan Nair,
Assistant Loco Pilot, CCRC Office, Southern Railway,
Erode, Residing at Kadileri Jayanivas,
Pantheerankave, Kozhikode-19.
7. Sujith P, S/o Sahadevan P,
Assistant Loco Pilot, CCRC Office, Southern Railway,
Coimbatore, Residing at Parambath House,
Cheyayoor.P.O., Kozhikode-17.
8. C.Ashok Kumar, S/o A.K.Viswanathan,
Assistant Loco Pilot, CCRC Office, Southern Railway,
Coimbatore, Residing at Chelikkattil House,
Peringanoor.P.O., Peringode(via) Palakkad Dist.
9. P.K.Bineesh, S/o Balan,
Assistant Loco Pilot, CCRC Office, Southern Railway,
Erode, Residing at Binivihar House, Chaliyekkara,
Parannur.P.O., Narikkuni, Calicut. - Applicants

(B Advocate Mr Martin G Thottan)

v.

1. The Chief Personnel Officer,,
Southern Railway,Headquarters Office,
Park Town.P.O., Chennai-3.
2. The Senior Divisional Personnel Officer,
Southern Railway, Salem Division,
Salem-4.
3. The Senior Divisional Personnel Officer,
Southern Railway, Palghat Division,
Palghat. - Respondents

(By Advocate Mr Thomas Mathew Nellimoottil

O.A.No.836/2011

1. P.Magesh, S/o Paramu,
Senior Assistant Loco Pilot, CCRC Office,
Southern Railway, Palghat, residing at Gireesh Bhavan,
Panayam.P.O., Perinad, Kollam-691601.
2. James P Samuel, S/o Samuel,
Senior Assistant Loco Pilot, CCRC Office,
Southern Railway, Palghat residing at Padinjare Purackal,
Pandiyamavu, Malukavumattom.P.O,
Kottayam-686 652.
3. Santhosh C, S/o K Chellappan,
Senior Assistant Loco Pilot, CCRC Office,
Southern Railway, Palghat, residing at Pulimoottil
Vadakkathil Veed, Edakkidom.P.O., Ezhukone,
Kollam-691 505.
4. Thomas Chacko, S/o Chacko,
Loco Pilot Shunting, CCRC Office, Southern Railway,
Shornur, Residing at: Thazhathu Kozhikunnel.
Erumparamattom.P.O., Kottayam-686 586.
5. R.Manikandan, S/o M Ramasubbu,
Senior Assistant Loco Pilot, CCRC Office,
Southern Railway, Erode, Residing at: No.1,
Cholavar Street, Kottar, Nagarcoil,
Kanyakumari Dist, Tamil Nadu. - **Applicants**

(By Advocate Mr Martin G Thottan)

v.

1. The Chief Personnel Officer,,
Southern Railway, Headquarters Office,
Park Town.P.O., Chennai-3.
2. The Senior Divisional Personnel Officer,
Southern Railway, Salem Division, Salem-4.
3. The Senior Divisional Personnel Officer,
Southern Railway, Palghat Division,
Palghat-678 002.
4. The Senior Divisional Personnel Officer,
Southern Railway, Trivandrum Division,
Trivandrum-14. - **Respondents**

(By Advocate Mr K.M.Anthru)

O.A.No.837/2011

1. B.M.Sreejith, S/o Narayanan Nair,
Senior Assistant Loco Pilot, CCRC Office,

Southern Railway, Trichy Division, Residing at:
 Padikkalakandiyil House, Vattali Post,
 Kozhilode-673 510.

2. P.M.Hareesh Babu, S/o Kunjur Krishnan Namboodiri,
 Assistant Loco Pilot, CCRC Office, Southern Railway,
 Trichy Division, residing at Koovaikkunnath Illom, Chittannur,
 Vilayancode, Mandoor via, Kannur Dist. - **Applicants**

(By Advocate Mr Martin G Thottan)

v.

1. The Chief Personnel Officer,,
 Southern Railway, Headquarters Office,
 Park Town.P.O., Chennai-3.
3. The Senior Divisional Personnel Officer,
 Southern Railway, Trichy Division,
 Trichy.
3. The Senior Divisional Personnel Officer,
 Southern Railway, Palghat Division,
 Palghat.

(By Advocate Mrs K Girija)

O.A.No.880/2011

1. P.S.Suresh Kumar, S/o Subramanian,
 Senior Assistant Loco Pilot, CCRC Office,
 Southern Railway, Trichy, Residing at:
 Pulikkal House, Kannamaly, Kochi-8.
2. Baiju S, S/o A.M.Sasidharan,
 Senior Assistant Loco Pilot, CCRC Office,
 Southern Railway, Villupuram Depot, Trichy,
 Residing at: Arkkattukunnel, Moolavatoom,
 Kottayam Dist. - **Applicants**

(By Advocate Mr Martin G Thottan)

v.

1. The Chief Personnel Officer, Southern Railway,
 Park Town.P.O., Chennai-3.
2. The Senior Divisional Personnel Officer,
 Southern Railway, Trichy Division. Trichy-20.
3. The Senior Divisional Personnel Officer,
 Southern Railway, Trivandrum Division,
 Trivandrum-14. - **Respondents**

(By Advocate Mr K.M.Anthru)

This application having been finally heard on 07.02.2012, the Tribunal on 17.02.2012 delivered the following:

ORDER

HON'BLE Dr K.B.S.RAJAN, JUDICIAL MEMBER

The legal issue involved in all the above O.As being one and the same, all are dealt with in this common order. In so far as OA 646 is concerned, the same having stated to have been rendered infructuous, the said O.A. is closed without any further orders. As regards the rest of the O.As, this order would apply in its entirety. For the purpose of reference OA No. 598 of 2011 has been treated as the leading case.

The facts capsule:

2. The applicants in these O.As are either Asst. Station Masters/Station Masters or Assistant Loco Pilots/Loco Pilots who are aspirants for transfer from their present Division to Trivandrum Division. In some cases, the Trivandrum Division has given its approval for transfer of the individual from the parent division but they have not been, due to exigencies of services, relieved and in some other cases their transfer applications are not being considered on preferential basis as is required under the Rules. The claim of the applicants is that by either not considering the transfer applications on time or not having relieved them to join the Trivandrum Division on time, their seniority is unduly affected.

3. The details of the cases to the extent available in the pleadings are in the tabular form as under:-

1. SI No.
2. O.A. No.
3. Name
4. Designation
5. Division
6. Date of application
7. Date of transfer order
8. Reasons for not being relieved

1	2	3	4	5	6	7	8
1	598 of 2011	Chandramohan VR	SM	PGT	2004	02/08/11	Acute shortage
2	40 of 2011	Vijayan Pillai	SM-III	PGT	1998	05/12/10	
3		Shajiraj	SM-III	PGT	01/01/99	05/12/10	Acute Shortage
4		Jiji J. Aruparayil	SM-III	PGT	1999	05/12/10	Acute Shortage
5	135 of 2011	D.Dayanandan	ASM	PGT	11/02/06	-	Consideration
6		P.Ramesh	ASM	PGT	11/02/06	-	Consideration
7	656 of 2011	MG. Joseph Martin	SrALP	SA	No info.	-	Consideration
8		M. Biju	SrALP	SA	No info.	-	Consideration
9		S. Ajit Pramod	ArALP	SA	No info	-	Consideration
10		Linson K.U.	ALP	SA	No info	-	Consideration
11	740 of 2011	Sreejit K.Namboodhiri	ALP	SA	No info	-	Consideration
12		P. Sherin	ALP	SA	No info	-	Consideration
13		V.V. Sankar	ALP	SA	No info	-	Consideration
14		G. Lineesh	ALP	SA	No info	-	Consideration
15		A.P. Nitheesh	ALP	SA	No info	-	Consideration
16		Shriraj	SrALP	SA	No info	-	Consideration
17		Riyaz A	ALP	SA	No info	-	Consideration
18		P.R. Abi	ALP	SA	No info	-	Consideration
19		Sudhir Gopi	ALP	SA	No info	-	Consideration
20		B. Abhilash	ALP	SA	No info	-	Consideration
21		Kiran Bose	ALP	SA	No info	-	Consideration
22		Rakesh Thambi	ALP	SA	No info	-	Consideration
23		P. Bright	ALP	SA	No info	-	Consideration
24		G.S. Sreeju	ALP	SA	No info	-	Consideration
25		K.R. Abhilashbabu	ALP	SA	No info	-	Consideration
26		Vishnu V	ALP	SA	No info	-	Consideration

1	2	3	4	5	6	7	8
27		K.S. Manu	ALP	SA	No info	-	Consideration
28		G. Shibu	ALP	SA	No info	-	Consideration
29		Biju B.P.	ALP	SA	No info	-	Consideration
30		S. Jayakumar	ALP	SA	No info	-	Consideration
31	744 of 2011	A. Ajay	ALP	PGT	No info	-	Consideration
32		S. Binoi	ALP	PGT	No info	-	Consideration
33		James P.Samuel	ALP	PGT	No info	-	Consideration
34		P. Krishna Raj	ALP	PGT	No info	-	Consideration
35		S. Ranjit	ALP	PGT	No info	-	Consideration
36		Sudheesh A.M.	ALP	PGT	No info	-	Consideration
37	772 of 2011	Ajeesh E.K.	ALP	SA	No info	-	Consideration
38		A. Subash	ALP	SA	No info	-	Consideration
39		K. Retheesh	ALP	SA	No info	-	Consideration
40		Vijesh B	ALP	SA	No info	-	Consideration
41		Jijesh Babu T.N.	ALP	SA	No info	-	Consideration
42		Harish N.	SrALP	SA	No info	-	Consideration
43		Sujith P.	ALP	SA	No info	-	Consideration
44		Ashok Kumar	ALP	SA	No info	-	Consideration
45		P.K. Bineesh	ALP	SA	No info	-	Consideration
46	836 of 2011	P. Magesh	SrALP	PGT	No info	-	Consideration
47		James P Samuel	SrALP	PGT	No info	-	Consideration
48		Santhosh C	SrALP	PGT	No info	-	Consideration
49		Thomas Chacko	LPS	PGT	No info	-	Consideration
50		R.Manikandan	SrALP	SA	No info	-	Consideration
51	837 of 2011	B.M. Sreejith	SrALP	Trich y	No info	-	Consideration
52		P.M. Harishbabu	ALP	Trich y	No info	-	Consideration
53	880 of 2011	PS Suresh Kumar	SrALP	Trich y	No info	-	Consideration
54		Baiju S.	SrALP	Trich y	No info	-	Consideration
55	902/2010	Toby Abraham	ALP	PGT	08/04/06	-	Consideration
56		Ajayakumar	ALP	PGT	08/29/06	-	Consideration
57		Venugopal S	ALP	PGT	02/03/07	-	Consideration

1	2	3	4	5	6	7	8
58		K.S. Shijumohan	ALP	PGT	02/17/07	-	Consideration
59		S. Prasam	ALP	PGT	04/04/07	-	Consideration

4. The reason for the applicants' case in serial Nos. 5 to 59 for transfer not having been considered is only that no concurrence from the Trivandrum Division has been received.

5. The reason for the applicants in whose case the Trivandrum Division has sent its concurrence but not yet relieved is, as stated in the Remarks column, 'acute shortage' in the parent division.

6. The prayer by and large is as under:-

- (i) Declare that the applicants are entitled to be considered, transferred and appointed as Assistant Loco Pilots against the DR quota vacancies available in Trivandrum Division in preference to candidates selected through direct recruitment and direct the respondents accordingly.
- (ii) Direct the respondents to forthwith relieve the applicants to Trivandrum division of Southern Railway as Assistant Station Masters and direct further to assign the applicants' seniority in preference to those who are below in the order of the applicants priority in transfer order with all consequential benefits arising therefrom.

7. Counsel for the applicants explained first explained the modes of recruitment to the post of Assistant Station Master/Assistant Loco Pilots in respect of which Transfer on Inter Division Basis is permitted under relevant rules. The posts mentioned above are filled up by two methods (a) Direct recruitment and (b) promotion. Under Direct Recruitment, the same is divided

into two (i) Open Market recruitment and (ii) General Departmental Competitive Examination (GDCE for short). Again, under the promotion mode, there are two methods (i) promotion on seniority basis and (iv) promotion through Limited Competitive Examinations. In so far as Inter Divisional Transfer is concerned, the same is against the Direct Recruitment Mode.

8. The counsel then explained the Rule position in regard to inter divisional transfer and placement in the seniority list in the Transferred Division. Counsel for the applicant submitted that if the above rule of inter divisional transfer is strictly followed, all the applicants would have by now been transferred and their seniority fixed. Because of various reasons the transfer has not materialized as reflected in the tabular column.

9. The counsel further submitted that the grievance of the applicants becomes much grave under a few circumstances, whereby, the applicants stand to lose their seniority not only qua their colleagues who are in service but also qua those who are not borne in the cadre when the applicants have either applied and have been waiting for their transfer or when concurrence has been obtained from Trivandrum Division but relieving has not taken place.

10. For example, in the concurrence letter issued by the Trivandrum Division vide Annexure A-2 in OA No. 598 of 2011, persons transferred belong to Palghat Division or Madras Division. All those belonging to the Madras Division have been relieved and they have taken up the post in the Trivandrum Division while the applicants are still in their Parent Division without having been relieved. Thus, even though they would have become senior to such persons originally belonging Madras Division, they would per force become junior on account of their joining the Trivandrum Division much later. Such a situation exists even in

respect of O.A.40/2011.

11. For example, Applicants in O.A.744/2011 were earlier working in some capacity in the Trivandrum Division and participated in the G.D.C.E. for the the post of Assistant Loco Pilots. On their coming out victoriously in the selection, they have been posted to Palghat Division. (Such a posting to Palghat Division had been resorted to with a view to accommodating some of the persons who have applied for inter divisional Transfer to Trivandrum Division). The applicants have joined the Palghat Division and immediately on joining, they had applied for inter divisional Transfer and their applications are pending. Meanwhile, for the subsequent years, GDCE had been conducted and some individuals, also working in Trivandrum Division qualified in the selection and unlike the applicants who have been posted to Palghat Division, some of these individuals had been retained in the very Trivandrum Division. Some of these individuals, while not only being from the subsequent recruitment years, were also junior to the applicants in the earlier posts held by them. Thus, juniors become rank seniors on account of the Railways not having considered the case of the applicants at the appropriate time for inter divisional transfer. The loss of seniority has a telescopic effect in respect of the future career prospects, as promotions at all levels are based *inter alia* upon the seniority position. In such cases, the private respondents have also been impleaded.

12. Counsel for the Official respondents submitted that transfer is not a right vested in the applicants and public interest is always paramount. When there is acute shortage of either in the cadre of Station Masters or Loco Pilots, notwithstanding the fact that concurrence has been issued by the Trivandrum Division, the applicants could not be relieved due to acute shortage.

13. Counsel for the Private respondents (in O.A.135/2011) submitted that Rule 226 of the IREC provides for protection of seniority only under certain specified contingencies, which are not available in the present case. Again, preference is to be given only with reference to open market direct recruits as is seen from the Circular No. 164 of 85 dated 26-12-1985, whereas the private respondents belong to GDCE Category.

14. Counsel for the applicant met the above contention of the private respondents with regard to the preference as in the communication dated 26-12-1985, stating that the reason why the GDCE candidates have not been mentioned is that as on the date of the aforesaid Circular, the GDCE mode of direct recruitment was not in vogue. It was introduced sometimes in 1994 as an one time measure, but came to remain eternally.

15. Arguments were heard and documents perused. Before entering into the merits of the matter, it is essential to extract the relevant rules and instructions on transfer, seniority in respect of persons on inter divisional transfer and certain circulars/orders of the Railway Board on the subject. These are as under:-

16. The following are the relevant Rules under the Indian Railways Establishment Manual:-

"(a) 226, Transfers: Ordinarily, a railway servant shall be employed throughout his service on the railway or railway establishment to which he is posted on first appointment and shall have no claim as of right for transfer to another railway or another establishment. In the exigencies of service, however, it shall be open to the President to transfer the railway servant to any other department or Railway or railway establishment including a project in or out of India. In regard to Group C and Group D railway servants, the power of the President under this rule in respect of transfer, within India may be exercised by the General Manager or by a lower authority to whom the power may be re-delegated.

Railway Ministry's Decision: Requests from railway servants in Groups C & D for transfer from one railway to another on grounds of special cases or hardships may be considered favourably by the railway administration. Such staff transferred at their request from one railway to another shall be placed below all existing confirmed and officiating staff in the relevant grade in the promotion group in the new establishment, irrespective of date of confirmation or length of officiating service of the transferred employees."

"312. TRANSFER ON REQUEST - The seniority of railway servants transferred at their own request from one railway to another should be allotted below that of the existing confirmed, temporary and officiating railway servants in the relevant grade in the promotion group in the new establishment irrespective of the date of confirmation or length of officiating or temporary service of the transfer railway servants.

Note:(i) This applies also to cases of transfer on request from one cadre/division to another cadre/division on the same railway.

[Rly. Bd.No.E(NG) I-85 SR 6/14 of 21.1.1986]

(ii) The expression "relevant grade" applies to grade where there is an element of direct recruitment. Transfers on request from Railway employees working in such grades may be accepted in such grades. No such transfers should be allowed in the intermediate grades in which all the posts are filled entirely by promotion of staff from the lower grade(s) and there is no element of direct recruitment.

[No.E(NG) I-69 SR 6/15, dated 24.6.1969) ACS-14]"

"Estt.Serial No.29/71. Circular letter No.P(R)563
dated 25th January, 1971.

Copy of Railway Board's letter No.E(NG)I-70/RBI/31 dated 17th January 1971 is forwarded for informations, All Indian Railways and others.

Copy of Railway Board's letter No.E(NG) I-70-RBI/31 dated 11th January 1971 addressed to General Managers, All Indian Railways and others.

Requests from staff for transfer to other Divisions/Railways.

The Board have decided that your Administration should take into consideration the number of persons in various categories who have supplied for transfer to the Railway/Division while making recruitment of additional man and placing indent with the Railway Service Commission so that transfers may take place without any hitch as soon as replacement becomes available with the

appointment of fresh recruits.

The receipt of this letter may please be acknowledged."

**"GOVERNMENT OF INDIA
MINISTRY OF RAILWAY**

No.E(NG)II-7/TR/1. Dated 31st March, 1971.

The General Managers,
All Indian Railways, CBW, DL.M &
The Directors General,
R.D.S.O.
Lucknow.

Sub: Inter-divisional and inter-Railway transfers

The railways are aware that a large number of requests are received by the Railway Board from various sources as also by the Railway Administration themselves from seeking transfers from one Division to another on the same Railway or from one Railway to another.

2. Under the existing orders inter-divisional and inter-Railway transfers at employees request are allowed only in the initial recruitment grade or in such intermediate grades in which there is an element or direct recruitment. The staff, in such cases of transfers assigned bottom seniority in the relevant grade. Transfers at employee's own request in intermediate grades where there is no element of direct recruitment are not permissible.

3. Transfers on the basis of mutual exchange, however, are allowed and those do not involve such loss of seniority, by the suffer from the draw back that they require the employee find out a suitable and willing person for such an exchange with him. To mitigate hardship to such staff the Board desire each Railway Administration should set up a Cell in the Headquarters Office where requests for transfer from interested staff will be registered. This will cover transfers from one seniority unit to another on the same Railway as also for inter-Railway transfers. The Railway receiving the request will advise the other Railway to which transfer is so that it may publish such request in the Railway Gazette for the benefit of staff who are interested in mutual transfer to enable them to apply. It will thus be possible to match (on the basis of seniority among applicants) such requests by bringing those within the framework of a mutual exchange. This will reduce the loss of seniority which the employ otherwise would have undergone by such a transfer should be registered and processed on the basis of seniority among applicants once annually.

4. The co-ordinating cell to set up in the Headquarters office of each Railway would function as a clearing house to sort out transfers on the basis of mutual exchange. The scope of the procedure for mutual exchange could be extended to cover not only request for

which the employees find it difficult to locate a person in the same grade and category to facilitate their mutual exchange but also to cover cases of transfers one's own request. The cases are covered by this procedure will have to be dealt with under the extant orders to which no relaxation is ought to be made.

5. The Board may be advised of the number of request registered and the number of those who requests have been disposed of, after a period of six months i.e. on or beyond 1st Oct. 1971.

6. The receipt of this letter may please be acknowledged.

Sd/-
(G.D.Sud)
Assistant Director Establishment,
Railway Board."

"No.P(A)327/B/Vol.XV dated 26th December, 1985.

INTER-DIVISIONAL/INTER-RAILWAY TRANSFER OF STAFF

P.B.Circular No.164/85.

The general policy of the Administration on the subject of Inter-Divisional/Inter-Railway transfers of staff is, keeping in view the spirit of extant instructions/orders as amended from time to time, that whenever employees working in other Divisions/Railways are considered, based on merits, against direct recruitment quote only (both for Group "C" and 'D').

Cases have come to notice where Divisions/Units have refused to entertain such request for transfers stating that empanelment of Casual Labourers/Open market recruitment is under progress. This is not in keeping with the spirit of the rules in force. Employees who have a regular status naturally get preference in filling up of vacancies in the recruitment categories over casual labourers/S.L.R awaiting absorption or other modes of recruitment. As such requests for transfers should, therefore, generally be considered in preference to absorption of casual labourers/open market recruitment. This is however, subject to the condition that they fulfil the requisite qualifications, age etc. Where prescribed and the medical standards of that category where transfer is sought. Cases may please be processed accordingly. This however will not naturally apply transfers specially created for de-casualisation.
(No.P(R)676/P dated 17th December, 1985.)"

17. Now on merit. The grievance of the applicants is that despite their transfer applications having been considered and concurrence from the Trivandrum Division given, they are not being relieved and this adds to the huge

loss in seniority of the applicant in the transferred unit. The extent of loss that may be suffered by persons who seek inter divisional transfer is certainly sizeable – loss of seniority in accepting the bottom seniority and in some case loss of promotion as well. However, the same has not been thrust upon them and it is the individual who volunteers for such loss. The other loss caused by not effecting the transfer on time and consequently the transferred employee loses further seniority is an additional loss to the persons so transferred. The question is whether there is any scope of avoiding this loss on account of delay in effecting transfer. No malafide or lethargy has been alleged in not relieving the transferred individuals. Acute shortage is the reason spelt out by the respondents. If the transfer is effected to avoid further loss of seniority to the transferred individual, the result may prove calamitous inasmuch as the Division which spares such individuals would have to suffer without adequate manpower. This in turn would adversely affect the efficiency of that Division and Public interest would be the casualty. Thus, to safeguard public interest, the applicants are made to suffer further loss as explained above.

18. In the meantime, if other direct recruitment including selection through GDCE takes place such persons crystallize their rights to seniority in the Division in which they have been posted. If the applicants are to be transferred with any direction to the respondents to push down the seniority of such GDCE candidates, that would not only be illogical but illegal as well.

19. Under the above circumstances, ends of justice would be met if a direction is given to the effect that before the next recruitment takes place to the post of ASM/ALP, either from the open market or from GDCE, the case of the applicants shall be considered on priority basis and where concurrence has been given, such individuals should be relieved in a

phased manner so that all those who are to be transferred would be accommodated before the next recruitment takes place. Likewise, those who have applied for transfer and in whose case, the Trivandrum Division has not so far communicated its concurrence, shall be considered for transfer before the next recruitment takes place in case these are sufficiently senior in the register of transfer on inter divisional basis.

Ordered accordingly.

20. Before parting with the case, the Tribunal feels that certain concrete and fool-proof method should be adopted in matters of transfer on Inter Divisional Transfers. In Southern Railway there are as many as six Divisions and sufficient number of applications for inter divisional transfer are stated to have been pending. It is not exactly known whether full transparency has been maintained with regard to such registration. With the technological advancements in communication technology and with profuse use of computer in the Railways, it should not pose any difficulties to the Railways, a massive organization, in having **online registration** for inter divisional transfer. The Railway Board may consider introducing the same in the following manner or in any other better manner, so that the same would enhance the faith of the employees in the very system.

(a) Online registration after the recommendations of the DRM concerned, at a centralized office (preferably in the office of Chief Personnel Officer, Southern Railway,

(b) Computerized Registration Number serially to be given to each applicant

(c) Periodical review (preferably once in two months) of the Register and ascertaining whether there is any possibility of mutual transfers among the applicants.

(d) Annual review of applications to call for withdrawal of applications

- (e) Assessing the number of Direct Recruitment vacancies in various Divisions and matching the same with the pending applications.
- (f) Prescribing number of vacancies that could be allotted for transfer purposes (preferably by amendment to the Rules) with a rider that vacancies of the previous year unfilled by the other mode, i.e. open market recruitment and GDCA would be diverted to recruitment by transfer.
- (g) Where for administrative reasons transfers are effected (punitive in nature), deletion of the names of such individuals from the Register
- (h) seniority of the transferred individuals to correspond to the date of their registration (subject to their joining within a fortnight from the date of their transfer order)
- (i) GDCE selected candidates may not be accommodated in those Divisions in respect of which, transfer requests are the maximum.

21. The above is purely a suggestion emanating from this Tribunal since the Tribunal receives a number of applications in respect of request transfer.

22. With the direction as contained in the penultimate paragraph and with the suggestion as in the previous paragraph, the OAs are disposed of. No orders as to cost.

 Dr K.B.S. RAJAN
JUDICIAL MEMBER