

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.. NO. 141/2006

MONDAY THIS THE 15th DAY OF JANUARY, 2007

C O R A M

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

- 1 K.Ramachandran S/o PN Krishnan Nair
 Station Master Grade-II
 Kallayi Station, Southern Railway
 Palghat Division
 residing at Krishna, Trikkalathoor PO
 Via Mannur, Ernakulam District.
- 2 Joy J. Vellara S/o John V.T.
 Station Master Grade-II
 Kallayi Station, Southern Railway
 Palghat Division
 residing at 17/1077-A
 Puthiyara PO, Kozhikode -673 004
- 3 N. Jayasankar S/o P. Balakrishnan Nair
 Station Master Grade-II
 Elathur Railway Station, Southern Railway
 Palghat Division
 residing at Balsaroj, Bilathikulam
 Kozhikiode-673 006
- 4 K. Jayaprakash S/o K. Achuthan
 Station Master grade-II
 West Hill Station, Southern Railway
 Palghat Division
 residing at Koodathil House, PO Mukkada
 Kozhikode -673 617

Applicants

By Advocate Mr. Shafik M.

Vs.

- 1 Union of India represented by
 the General Manager, Southern Railway
 Chennai
- 2 The Chief Personnel Officer
 Southern Railway,
 Headquarters, Chennai

- 3 **The Divisional Railway Manager,
Palghat Division
Southern Railway,
Palghat.**
- 4 **The Senior Divisional Personnel Officer
Palghat Division, Southern Railway
Palghat.**

Respondents

By Advocate Ms. P.K. Nandini.

ORDER

HON'BLE MRS. SATHI NAIR, VICE CHAIRMAN

The applicants herein are working as Station Masters Grade-II in the scale of Rs. 5500-9000 in different Stations in Palghat Division. Promotion from the post of Station Master grade-II to Grade-I is by way of selection from among candidates in the category of Station Masters Grade-II with two years experience. The challenge in the O.A. is against the proposal of the respondents to conduct the selection for the post of Station Masters Grade-I / Traffic Inspectors / Deputy Yard Masters without effecting revision of seniority by withdrawing the Accelerated Promotions granted earlier to the reserved class community candidates at the time of restructuring which are allegedly against the various judicial pronouncements including the Hon'ble Supreme Court.

2 The respondents have contested the O.A. on the ground that the promotions were ordered on the seniority assigned, based on the then existing reservation rules and the restructuring orders issued in 1984 and 1993 based on the rules in force then, cannot be challenged after 20 to 25 years. No orders had been

received from the Railway Board revising the existing the reservation rules. Further, the issue of seniority of S.C. employees' on promotion is pending consideration with the Hon'ble Supreme Court and the 85th Constitutional Amendment is still in force. Related matters are pending with the Apex Court in a number of SLPs like 14550 of 2005, 13209 of 2005, 13125-13137 of 2005 etc.

3 The claim of the applicants is more or less based on the judgment of this Tribunal in Annexure A-7 in O.A.601/2004 and batch cases, dated 21.11.2005. The respondents submitted that the said judgment has been taken in appeal before the Hon'ble High Court of Kerala and the order of this Tribunal has been stayed by the High Court in WP(C) No. 7970/06 by order dated 17.3.2006 which was modified later in tune with the interim order of the Apex Court in identical issue as follows:

"It is understood that whatever steps are taken by the Railway Administration to implement the order of the Administrative Tribunal, will be subject to the result and liable to be modified in consonance with the decision of the Writ Petitions pending before this court, challenging the said orders."

4 When the matter came up for hearing, it was submitted by both the counsel that this matter is identical to the issue decided in O.A. 601/2004 and batch cases by order dated 21.11.2005 in which the above interim directions have been passed by the Hon'ble High Court. The order in O.A.184/2006 in an identical case filed by the Station Masters Grade-II was also brought to our notice in which taking note

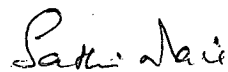
of the pendency of the WP before the Hon'ble High Court it was decided that no purpose would be served by pursuing action on the Application and the respondents will have to wait for the decision of the Hon'ble High Court in the matter. Hence it was pointed out that there is no need to keep this Application pending when the decision which had already been pronounced in O.A. 601/2004 and batch cases can be made applicable to this case also.

5 Therefore taking the same view and applying the ratio of the judgment in O.A. 601/2005 and connected cases and the view taken in the order dated 7.6.2006 in O.A. 184/2006, this OA is also allowed directing the respondents to undertake the promotions in the higher cadre of Station Masters Grade-I as proposed in Annexure A-1 only after the seniority of the applicants is revised in the light of Annexure A7 judgment. Needless to say that as ordered by the Hon'ble High Court steps if any taken by the Administration to implement the order will be subject to the decision in the Writ Petition pending before the Hon'ble High Court. The O.A. is disposed of as above. No costs.

Dated 15.1.2007



GEORGE PARACKEN
JUDICIAL MEMBER



SATHI NAIR
VICE CHAIRMAN