

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

DATE: 6.10.93

O.A. 151/93

H. Sudhakara Kammath  
s/o Harinarayana Kammath  
Chief Commercial Inspector Grade-I  
Southern Railway, Ernakulam, Cochin-16

Applicant

vs.

1. The Union of India represented by  
the General Manager, Southern Railway  
Madras
2. The Chief Personnel Officer  
Southern Railway, Madras
3. The Divisional Personnel Officer  
Southern Railway, Trivandrum
4. Shri P. Kaliaperumal  
Chief Commercial Inspector  
Southern Railway, Mailadurai Jn  
Thanjavur, Tamil Nadu
5. Shri Gowindapparaj, Chief Commercial  
Inspector, Chief Marketing Supdt.'s  
office, Southern Railway, Moore Market  
Complex, Madras-600 003
6. Shri R. Krishnamurthy, -do-
7. Shri C. Jayapal, Chief Commercial  
Inspector (General) Divisional Railway  
Manager's office (Commercial)  
Southern Railway, Madurai
8. Shri M. Narayanasamy, Chief Commercial  
Inspector, Divisional Railway Manager's  
office (Commercial) Southern Railway,  
Thiruchirappally, Pin 600 021

Respondents

Mr. K. Ramakumar

Counsel for the  
applicant

Smt. Sumathi Dandapani

Counsel for the  
respondents 1-3

CORAM

THE HON'BLE MR. N. DHARMADAN JUDICIAL MEMBER

&

THE HON'BLE MR. R. RANGARAJAN ADMINISTRATIVE MEMBER

JUDGMENT

MR. N. DHARMADAN JUDICIAL MEMBER

The applicant is coming for the second time for  
getting his seniority fixed in the cadre of Chief  
Commercial Inspector in the grade of Rs. 700-900 (Rs. 2000-3200  
revised). Earlier his grievance was examined by this

Tribunal and partly granted the relief by Annexure-H judgment. In that judgment we have observed that his juniors M/s. P. Kaliaperumal, R. Krishnamurthy and V. Krishnamurthy have been promoted as Commercial Inspector in the scale of Rs. 700-900 and they were fitted against the restructured post w.e.f. 1.1.84 and subsequently regularised w.e.f. 11.3.87. The applicant submitted that these persons are junior to the applicant and the applicant ought to have been promoted earlier. However, we disposed of the application with the following observation/direction:

"In this view of the matter, we allow the application in part quashing Annexure-T order dated 8.1.90 and direct the second respondent to dispose of Annexure-S representation submitted by the applicant, as expeditiously as possible, at any rate within a period of two months from the date of receipt of a copy of this judgment. However, we make it clear that this judgment will not stand in the way of the respondents to issue appropriate orders, if they so desire after issuing notice to the applicant and hearing him."

2. Thereafter, the applicant filed Annexure-J representation before the third respondent which has not yet been disposed of, ~~so far~~<sup>4</sup>. The applicant submitted that the representation can be considered in the light of Annexures-B, C & D orders passed in similar circumstances for fixing the seniority.

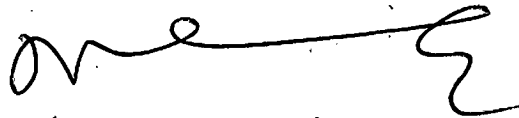
3. At the time when the case was taken up for final hearing, after hearing learned counsel for both parties at considerable length it emerged that the grievance of the applicant can be considered and disposed of by the second respondent in the light of the orders at Annexure-B, C & D.

4. Having heard learned counsel for both parties, we are satisfied that this application can be disposed of with appropriate direction. Accordingly, we direct the second respondent to consider and dispose of Annexure-J representation in accordance with law keeping in mind the

and earlier judgment at Annexure-H.  
above observation/ The applicant may also be given an  
opportunity of being heard before passing the final orders  
on the representation. In view of the fact that the  
applicant is to retire within four months, it will be  
fair and proper for the second respondent to consider  
and pass orders within the period of three months from  
today.

5. The application is accordingly disposed of  
on the above lines.

6. There shall be no order as to costs.



(R. RANGARAJAN)  
ADMINISTRATIVE MEMBER



(N. DHARMAJAN)  
JUDICIAL MEMBER

KMN

6.10.93

List of Annexures

1. Annexure-H : Judgment of this Tribunal in O.A. 941/90
2. Annexure-J : Representation filed by the applicant dated 12.7.92
3. Annexures-B : Office order No.R/32/86 dated 5.3.85
4. Annexure-C : Office order No. R 48/86 dated 4.4.86
5. Annexure-D : Office Order No. 21/84 dated 13.2.84