

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

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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 juniorsto 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."

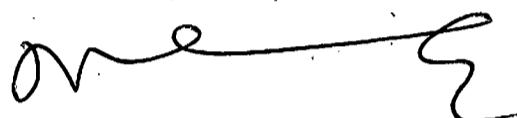
2. Thereafter, the applicant filed Annexure-J representation before the third respondent which has not yet been disposed of, ~~so far~~. The applicant submitted that the representation can be considered in the light of Annexures-B,C & D orders passed in similar circumstances for fixing the seniority.

3. At the time when the case was takenup for final hearing, after hearing learned counsel for both parties at considerable length itemerged 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


6.10.93

(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