

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.. NO. 151/2006

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 N. Ragunatha Prabhu S/o P.N. Devadas Prabhu
Station Master Grade-I
Kanchangad Railway Station, P.O. Kanchangad
residing at Prabhu Nivas, Perole,
Nileshwar-671 314
- 2 P.M. Ramakrishnan S/o Kunhappa Nambiar
Station Master Grade-I
Cannanore South Station, Cannanore,
residing at Anjali, Chala East P.O.
Kannur-670 621
- 3 M.P. Radhakrishnan S/o K.P.K. Nair
Station Master Grade-I
Edakkot Railway Station, P.O. Muzhappilangad,
Kannur District
residing at Pavithra, Thiruvangad PO
Tellicherry-670 103

Applicants

By Advocate Mr. Shafik M.A.

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-I in the scale of Rs. 6500-10500 in different Stations in Palghat Division. Promotion from the post of Station Master Grade-I to Station Manager/Chief Yard Master/Traffic Inspector is by way of selection from among candidates in the category of Station Masters Grade-I 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 Managers /Chief Yard Masters/Traffic Inspectors 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 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 reservation rules. Further, the issue of seniority of Scheduled Caste 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."

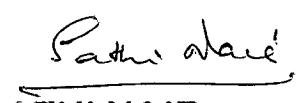
4 When the matter came up for hearing, it is submitted by both the counsel that the matter is identical to the issue decided in O.A. 601/2004 and batch cases by order dated 21.11.2005 in which the above interim directions have been passed by the Hon'ble High Court. The order in O.A.184/2006 in an identical case filed by the

Station Masters Grade-II was 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 await 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 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 A-7 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 Petitions 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