

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH]

OA No.157/2007

Monday this the 18th day of June, 2007

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**HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE DR. K.S. SUGATHAN, ADMINISTRATIVE MEMBER**

K.P.Polson, aged 47 years
S/o P.T. Poulose,
Office Superintendent Grade I/Diesel Loco Shed/
Southern Railway/Ernakulam Junction,
residing at No.23/430-, Payyappally House,
Kannangattu Temple Road,
Edakochi, Cochin.682006.Applicant

(By Advocate Mr. T.C.Govindaswamy)

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- 1 Union of India, represented by the General Manager, Southern Railway Headquarters Office, Park Town PO Chennai.3.
- 2 The Chief Personnel Officer, Southern Railway, Head quarters Office, Park Town PO, Chennai.3.
- 3 the Senior Divisional Personnel Officer, Southern Railway, Trivandrum Division, Trivandrum.14.Respondents

(By Advocate Mr. P.Haridas)

The application having been finally heard on 18.6.2007, the Tribunal on the same day delivered the following:

ORDER

Hon'ble Mr. George Paracken, Judicial Member

The applicant is presently working as Office Superintendent Grade I in the scale of pay Rs. 6500-10500 at the Diesel Loco Shed, Southern Railway, Ernakulam Junction. He is aggrieved by the denial of

consideration for promotion to the post of Chief Office Superintendent in the scale of pay of Rs. 7450-11500. He has impugned the Annexure A5 letter of the respondents dated 4.1.2007, according to which it was proposed to conduct a selection for drawing up a panel for promotion to the post of Chief Office Superintendent in the scale of pay of Rs. 7450-11500 in the TP Branch, Mechanical Department. The staff shown in the attached list were alerted to be in readiness to appear for the selection/written test.

2 The applicant submitted that the respondents have not published any common seniority lists of Office Superintendent Grade I or that of the Chief Office Superintendent. For the first time, the respondents have published a provisional Seniority List of Office Superintendents Grade I as on 31.10.2003 vide Annexure A4 Seniority List dated 9.11.2006. According to the applicant even though the Annexure A4 states that it is the Seniority List as on 1.10.2003, actually it is not so, because all those who were Office Superintendents Grade I as on 1.10.2003 and later promoted as Chief Office Superintendents were not shown in the list.

3 Among the reliefs the applicant sought a declaration that the nonfeasance on the part of the respondents to publish a common Seniority List of Office Superintendents Grade I before proceeding further with the selection for promotion to the next higher post of Chief Office Superintendents is arbitrary and illegal. He has, therefore, sought a direction to the respondents from this Tribunal to publish a common Seniority List of Office Superintendents Grade I in the scale of pay of Rs. 6500-10500 in the Transportation & Power Mechanical Branch of Southern Railway.

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4 When this OA was initially heard on 13.3.2007 the counsel for the respondents submitted that the Annexure.A4 Seniority List was only a provisional one and it was circulated in November, 2006 calling for representations from individual employees by 6.12.2006. The respondents have also admitted that the said A4 Seniority List was not updated and final. Therefore, this Tribunal directed the respondents not to go ahead with the selection till the provisional Seniority List is updated, finalized and published.

5 The respondents in their reply submitted that the details called for from various divisions have since been received and a fresh combined Provisional Seniority List of Office Superintendents Grade I/TP Branch as on 1.11.2006 and 1.1.07, duly extending the time for receipt of representations has been published vide Annexure.R.5 letter dated 26.3.2007. They have also submitted that after the disposal of the representation, if any received, the final Seniority List will be published. The last date of receiving representations against the provisional Seniority List is 25.4.2007.

6 The applicant has submitted that he had also filed his objections to the provisional Seniority List of Office Superintendent Grade- I published by the respondents vide Annexure R.5 letter dated 26.3.2007.

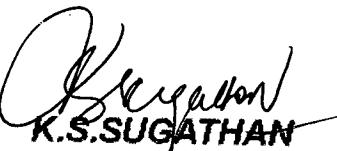
7 In view of the above facts of the case, we quash and set aside the Annexure.A5 order dated 4.1.2007. Since the respondents have already issued the provisional Seniority List of Office Superintendents Grade I and objections were called for till 25.4.2007, the respondents shall finalize the Seniority List as early as possible and publish the same in accordance with rules. Thereafter, they may issue fresh letter in place of Annexure.A5 dated

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4.1.2007 drawing up a list of eligible officers in the order of their seniority to alert them to be in readiness to appear for the selection/test.

8 With the above directions, the Original Application is disposed of. There shall be no order as to costs.

Dated this the 18th day of June, 2007


K.S. SUGATHAN
ADMINISTRATIVE MEMBER


GEORGE PARACKEN
JUDICIAL MEMBER

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