

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

FREE COPY U/R 22
OF C.A.T. (PROCEDURE) RULES

O.A. 96/93
O.A. 162/93

Tuesday, the eleventh day of January, 1994

MR. N. DHARMADAN MEMBER (JUDICIAL)
MR. S. KASIPANDIAN MEMBER (ADMINISTRATIVE)

K.P. Ramakrishnan
Motor Trolley Driver
under the Sr. Divisional
Safety Officer/Stores
Southern Railway, Palghat

Applicant in
O.A. 96/93

By Advocate Mr. P. Sivan Pillai

vs.

1. The Union of India through the
General Manager, Southern Railway
Park Town P.O., Madras-3
2. The Sr. Divisional Safety Officer
Southern Railway, Palghat Division
Palghat
3. The Sr. Divisional Personnel Officer
Southern Railway, Palghat

Respondents

By Advocate Mr. T.P.M. Ibrahim Khan

P. Ramachandran, Motor Trolley Driver
Office of the Permanent Way Inspector (East)
Southern Railway, Palghat

Applicant in O.A.
162/93

By Advocate Mr. P. Sivan Pillai

vs.

1. The Union of India through the
General Manager, Southern Railway
Madras-3
2. The Divisional Personnel Officer
Southern Railway, Palghat
3. The Sr. Divisional Engineer
Southern Railway, Palghat
4. The Assistant Engineer (East)
Southern Railway, Palghat
5. R. Srinivasan, Motor Trolley
Driver, C/o Permanent Way Inspector
Southern Railway, Erode

Respondents

By Advocate Mr. T.P.M. Ibrahim Khan

ORDER

N. DHARMADAN

Both these cases are heard together on consent
of the parties on the fact that identical issues are
raised in these applications.

2. In both these cases applicants are working as Motor Trolley Driver on the basis of the promotion order Annexure A1 order, in both the cases. Subsequently, the impugned orders in both the cases were issued reverting the applicants to the lower scale. They are aggrieved by the reversion order and filed this application under section 19 of the Administrative Tribunal's Act on the ground that they are not the juniormost to be reverted.

3. Respondents have submitted that the reversion orders happened to be passed on account of the implementation of the direction of the Tribunal in O.A. 1684/91 dated 15.7.92. and consequent reduction of post. They also contended that the promotion orders were inadvertently passed; hence, the applications have no right to be continued in the promoted post.

4. After hearing learned counsel on both sides, we are satisfied that there is a real dispute about the seniority of persons in the cadre of Trolley Drivers and there is no seniority list. Under these circumstances, the case can be decided only if proper seniority list of the cadre of Motor Trolley Drivers with reference to the sanctioned strength of officers is finalised and published. No seniority list or other relevant records to satisfy us about the correct position of the applicants in the cadre of Trolley Drivers are provided. The case of mistaken promotion cannot be accepted at this stage without further materials.

5. In this view of the matter, the applications can be disposed of directing the second respondent in both cases to fix the correct strength of the cadre of Motor Trolley Drivers and the seniority of the three grades of Motor Trolley Drivers in the cadre ^{and} publish them so that the applicants may know their position in the seniority list and file their objections if necessary. The second respondent

- can effect the reversion only on the basis of the seniority list after finding out the junior most officers. This shall be done within a period of three months from the date of receipt of the copy of this judgment. The interim order will continue till then.
6. Till the implementation of the above directions, the interim order passed in these cases will continue.
7. There shall be no order as to costs.

sd/
(S. KASIPANDIAN)
MEMBER (ADMINISTRATIVE)

sd/
(N. DHARMADAN)
MEMBER (JUDICIAL)

kmm



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Date 19.1.94

Mmm
Deputy Registrar

Rz
8/1/94