

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.17/94

Tuesday, this the 10th day of January, 1995.

CORAM:

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

HON'BLE MR P SURYAPRAKASAM, JUDICIAL MEMBER

PK Jayachandran
Conductor, Southern Railway,
Trivandrum Central. - Applicant

By Advocate Mr R Santhoshkumar

Vs.

1. Union of India through
the General Manager,
Southern Railway,
Madras-3.
2. The Divisional Personnell Officer,
Southern Railway, Trivandrum-14.
3. The Divisional Railway Manager,
Southern Railway, Trivandrum-14.
4. PS Joseph,
~~Travelling Ticket~~ Through the Divisional
Inspector. Personnell Officer,
Southern Railway,
Trivandrum-14.
5. G Saju Tom,
Travelling Ticket
Inspector -do-
6. G Viswanathan,
Travelling ticket
Inspector -do-
7. Ismail Rawther,
Travelling Ticket
Inspector -do-
8. N Madhavan Nair,
Travelling Ticket
Inspector -do-
9. E Hilaludeen,
Travelling Ticket
Inspector -do-
10. CF Petson,
Travelling Ticket
Inspector -do-
11. Joseph Pinhiro,
Travelling Ticket
Inspector -do-
12. EG Morris,
Travelling Ticket
Inspector -do- - Respondents

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| 13. | AK Ramakrishnan,
Travelling Ticket
Inspector. | Through the Divisional
Personnel officer,
Southern Railway,
Trivandrum-14. |
| 14. | K Sreedharan Nair,
Travelling Ticket
Inspector | -do- |
| 15. | M Gopalan,
Travelling Ticket
Inspector | -do- |
| 16. | AA Devassy,
Travelling Ticket
Inspector | -do- - Respondents |

By Advocate Mrs Sumathi Dandapani(for R.1 to 3)

O R D E R

PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Applicant who is working as Conductor/TTI in the scale of Rs.1400+2300 in the Ticket Checking Cadre of the Southern Railway was initially appointed as a Signaller in the Traffic Department and later redeployed as a surplus staff in the Ticket Checking Cadre. His seniority was fixed in the cadre of Senior TCs/TTEs by A8 and applicant agrees that it reflects the correct position. However, his promotion to the higher grade of TTI/COR/HD.TC/PI in the scale Rs.1400-2300 as fixed in A8, according to him, does not reflect his seniority in the lower scale as refixed by A8 orders.

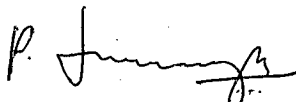
2. The respondents have stated that applicant has been given promotion in the scale of Rs.1400-2300 on Scheduled Caste quota with effect from 13.9.1991 and his seniority as refixed by A8 reflects that. However, the applicant's contention is that his seniority in the higher scale should follow the seniority in the lower scale as the promotion post was not a selection post. Respondents however state that it is a selection post and seniority follows the order in the panel. The rules under which applicant states that seniority in the higher scale should follow the order in the lower scale, or

the orders which declare the promotion post as a non-selection post have not been produced before us. Respondents have revised the seniority of the applicant and fixed it above that of Ambika. Applicant is not satisfied with this and states that his seniority should be above that of respondents 4&5, who were juniors to him in the lower grade. Unfortunately, the impugned order does not discuss the issue in detail. It is also seen that while A9 states that it is the provisional seniority as on 1.9.1993, the attached list gives a date of 1.8.1991.


3. After hearing learned counsel on both sides, in the state of pleadings, we can only permit applicant to make a fresh representation within one month setting out his case to second respondent, who will consider the matter afresh and pass a reasoned order within four months of the date of receipt of the representation, after giving notice to affected parties.

4. Application is disposed of as above. No costs.

Dated, the 10th January, 1995.



P SURYAPRAKASAM
JUDICIAL MEMBER



PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

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List of Annexures

Annexure A8: True copy of the order No.V/P 612/III/TTE/TC/
Vol II dt. 15.11.93 issued by the Divisional
Personnel officer, S.Rly, Trivandrum-14
(2nd respondent).

Annexure A9: True copy of the order No.V/P/612/III/TTE/TC/
Vol.III dt. 22.9.93 issued by the Divisional
Personnel Officer, S.Rly, Trivandrum(2nd respondent)