

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.184/06

Wednesday this the 7th day of June 2006

C O R A M :-

**HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN
HON'BLE MR.K.B.S.RAJAN, JUDICIAL MEMBER**

1. N.Selvaraj,
S/o.S.Nadimuthu,
Station Master Grade II, Traffic SM's Office,
Perugamani Railway Station, Trichy,
Tamilnadu – 639 115.
Residing at 120/A, East Street,
Near Railway Gate, Allur P.O.
Trichy, Tamilnadu – 620 101.
2. R.Gnana Swamy,
S/o.M.Rayappan,
Station Master Grade II,
Unjalur, Erode District, Tamilnadu.
Residing at No.7, Ave Mariya Illam,
Mettu Thottam, Gandhi Nagar,
Vellalur Road, Podanur, Coimbatore.
3. K.Ravindranathan,
S/o.K.Balakrishnan Nair,
Station Master Grade II,
Madukkarai Station.
Residing at Sri Resmi, Pangal P.O.,
Pudupariyaram, Palakkad District – 678 733.
4. G.Venugopal,
S/o.M.V.Gopinathan Pillai,
Station Master Grade II,
Walayar Railway Station.
Residing at 3/67, Krishna Kripa,
Santhi Nagar, Behind Railway Hospital,
Kallekulangara P.O., Hemembika Nagar,
Palakkad – 678 009.
5. V.S.Sivaraj
S/o.V.Sadasivam,
Station Master Grade II,
Erode PO & RS, Erode Junction, Tamilnadu.
Residing at # 35, Kasamettu Street,
West Chintamani, Tiruchi, Tamilnadu – 620 002.

6. M.Shek Abdullah,
S/o.Muhammad Sultan,
Station Master Grade II,
Mayanoor Station, Karur district.
Residing at 12 Railway Quarters,
Mayanoor, Karur, Tamilnadu – 639 108.

7. K.T.Paily,
S/o.K.P.Thoubias,
Station Master Grade II,
Coimbatore North Railway Station, Coimbatore.
Residing at Karipra House, Rayonpuram P.O.,
Perumbavoor, Erode – 683 543. ...Applicants

(By Advocate Mr.Shafik M.A.)

Versus

1. Union of India represented by the General Manager,
Southern Railways, 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 Mrs.Sumathi Dandapani)

This application having been heard on 7th June 2006 the Tribunal on the same day delivered the following :-

O R D E R

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

The O.A is identical to O.As 601/04 and connected cases in which this Tribunal had already passed orders dated 21.11.2005 holding that reservation shall not apply in the case of upgradation or restructuring of the cadre strength of ECRCs in Southern Railway and wherever such reservation is granted the respondents shall pass appropriate orders withdrawing the reservation. The challenge in this O.A is to the orders implemented by applying reservation to the category of Station Masters

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and giving promotion to the higher cadre of Station Master Grade I. The respondents have taken up the issue in the Hon'ble High Court of Kerala in respect of the order of this Tribunal in OA 601/04 and connected cases in W.P.(C) 7970/06 S and the Hon'ble High Court of Kerala vide its order dated 3.4.2006 passed the following orders :-

"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."

2. When the matter came up today, counsel for the respondents submitted that they had practical difficulties in implementing the order of this Tribunal as there were conflicting judgments of C.A.T., Madras Bench. Therefore, there is no option but to take the matter in appeal to the Hon'ble High Court and the issue is also pending before the Hon'ble Supreme Court. Hence no purpose would be served by pursuing action on this application and the respondents will still have to take up this matter also before the Hon'ble High Court for a decision and therefore, it was submitted by the counsel that in view of this factual position, the Tribunal may take a similar decision in this O.A also and that they are not pressing for the vacation of the interim order at this stage. Applicant's side also submitted that they have no objection to this. We are also of the view that since the decision rendered by us on the identical issue is already pending in the Hon'ble High Court, it is not necessary for us to adjudicate this matter further as far as this O.A is concerned, and that this O.A shall also stand allowed in view of the decision already pronounced in O.A.601/04 and connected cases.

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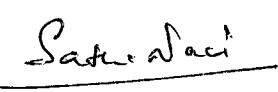
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3. The prayer in this O.A is, therefore, allowed on the ratio of earlier batch of cases. In the result, it is hereby directed that no promotions to the post of Station Master Grade I shall be made on the basis of the seniority list at Annexure A-2 till the directions in Annexure A-8 are complied with. The O.A. is accordingly allowed.

(Dated the 7th day of June 2006)



K.B.S.RAJAN
JUDICIAL MEMBER



Sathi Nair
SATHI NAIR
VICE CHAIRMAN

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