

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.186/2002

Thursday this the 21st day of March, 2002

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

S.S.Sudheesh Kumar,
Senior Clerk,
General Branch,
Divisional Office,
Southern Railway,
Thiruvananthapuram.

A.M.Nizamudeen,
Junior Clerk,
Works Branch,
Divisional Office,
Southern Railway,
Thiruvananthapuram.

...Applicants

(By Advocate Mr. T.P.Sajan)

v.

1. Union of India, represented by the General Manager, Southern Railway, Thiruvananthapuram.
2. Divisional Railway Manager, Divisional Office, Southern Railway, Thiruvananthapuram.
3. Senior Divisional personnel officer, Southern Railway, Thiruvananthapuram.
4. V.Syama,
Senior Clerk, Works Branch,
Divisional Office,
Southern Railway,
Thiruvananthapuram.

...Respondents

(By Advocate Mrs. Sumathi Dandapani-for R1-3)

The application having been heard on 21.3.2002, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The first applicant is a Senior Clerk in the General Branch and the second applicant is a Junior Clerk in the Works Branch of Southern Railway, Thiruvananthapuram. They are aggrieved by the seniority assigned to the 4th respondent as Senior Clerk in the Thiruvananthapuram Division on mutual transfer with one

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Smt. Prabha Somanath. When the provisional Seniority List (A2) issued giving the employees xxxxxxxxxxxxxxxxxxxxxxx an opportunity to make a representation, the applicants did not make any representation. However, finding that despite the order of mutual transfer made in the year 1999 Smt. Prabha Somanath has not been relieved from Trivandrum to give effect to the mutual transfer, the applicants contend that the transfer of the 4th respondent should be treated only as a one way request transfer and projecting this grievance and requesting that the applicants' seniority may be set right the second applicant and first applicant made representations Annexures.A3 and A4 respectively. Since these representations have not been considered and disposed of the applicants have filed this application jointly for a declaration that the seniority assigned to the 4th respondent in Annexure.A2 is not in accordance with law, the 4th respondent is not entitled to be promoted as Head Clerk based on that seniority and to consider Annexure.A3 and A4 representations. It has also been prayed that the respondents 1 to 3 may be directed to promote the first applicant as Head Clerk to the vacancy against which the 4th respondent was promoted and the 2nd applicant to the consequent vacancy of Senior Clerk.

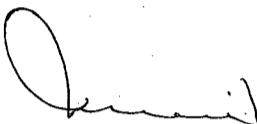
2. When the application came up for admission, Smt. Sumati Dandapani took notice for respondents 1 to 3. Counsel on either side agree that the application may be disposed of directing the third respondent to consider Annexures.A3 and A4 representations and to give the applicants an appropriate reply within a reasonable period.

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3. In the light of the submission of the learned counsel on either side, the application is disposed of directing the third respondent to consider Annexures A3 and A4 representations and to give the applicants an appropriate reply within a period of two months from the date of receipt of a copy of this order. There is no order as to costs.

Dated the 21st day of March, 2002



T.N.T. NAYAR
ADMINISTRATIVE MEMBER

(s)



A.V. HARIDASAN
VICE CHAIRMAN

APPENDIX

Applicants' Annexures :

1. A-1 : True copy of O.O.No.60/99/W.P. dated 10.9.1999.
2. A-2 : True copy of Seniority list No.V/F.612/I/Vol.5 dated 12.12.2000 of the 3rd respondent.
3. A-3 : True copy of representation dated 19.11.2001 submitted by the 2nd applicant to the 3rd respondent.
4. A-4 : True copy of representation dated 7.1.2002 submitted by the 1st applicant to the 3rd respondent.

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25.3.02