

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O. A. No. 195/89 ~~199~~  
~~XXXXX~~

DATE OF DECISION 30.4.1991

Mrs. Rani Raju Kadaavan @ Applicant (s)  
Kochuthresia

M/s V. Ramachandran and Advocate for the Applicant (s)  
Ravikumar  
Versus

Union of India represented  
by General Manager, Southern Respondent (s)  
Railway, Madras and others.

Smt. Sumati Dandapani Advocate for the Respondent (s)  
for R.1 to 5.

CORAM:

The Hon'ble Mr. S.P. MUKERJI - VICE CHAIRMAN

The Hon'ble Mr. A.V. HARIDASAN - JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. To be circulated to all Benches of the Tribunal? *No*

JUDGEMENT

(Mr. S.P. Mukerji, Hon'ble Vice Chairman)

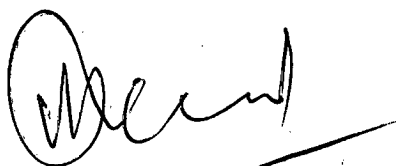
In this application dated 20.3.1989 filed under Section 19 of the Administrative Tribunals Act, the applicant who is now working as Senior Clerk in the office of Deputy Chief Engineer, Southern Railway, Ernakulam has prayed that in the provisional Seniority List of clerical staff of Engineering Branch in the Bangalore Division as on 1.1.1989 <sup>her seniority</sup> should be refixed by ante-dating her date of promotion to the grade of Senior Clerk on the basis of <sup>the</sup> restructuring order, to 1.10.1980. It appears that the applicant who was originally working in the Madras Division as Junior Clerk had been given the benefit of restructuring promotion with effect from 2.10.80 but the

order of promotion was not given effect to as by then she had been transferred to Bangalore Division. The Bangalore Division, however, on their part did not grant her promotion from that date as the order of her promotion dated 15.4.82 had been issued by the Madras Division after she had joined the Bangalore Division ~~on~~ on 2.3.1982 (Annexure-H). Thus the applicant has suffered by <sup>the</sup> deprivation of the promotion resultant upon restructuring, both in the Madras Division as well as in the Bangalore Division and for no fault of hers. It may be noted that the applicant had come over from Madras to Bangalore Division not on her own volition but <sup>on</sup> the creation of new Division at Bangalore.

2. When the case was taken up for arguments today the learned counsel for the applicant prayed that the applicant will be satisfied if the respondents are directed to dispose of her representation dated 2.3.87 at Annexure-I as also the further representation addressed to the Chief Personnel Officer, Southern Railway, Madras dated 3.2.89 after giving the applicant an opportunity of personal hearing. The learned Counsel for the applicant has been encouraged to make this prayer because according to him in similar other cases the respondents <sup>have</sup> taken a sympathetic view to save the persons from the deprivation of their seniority because of their inter-divisional transfers.

3. In the circumstances indicated above, we close this application with the direction that the applicant shall file a fresh detailed representation before the General Manager, Southern Railway (Respondent-1) enclosing

therewith copies of her representations dated 2.3.87 and 3.2.89 within a period of two weeks from the date of communication of this order and that the General Manager, Southern Railway shall dispose of the representation if so filed, after giving the applicant a personal hearing, within a period of two months from date of its receipt. It goes without saying that the representation shall be disposed of with a speaking order in accordance with law and after taking into account the decisions taken in similar cases. There will be no order as to costs.



(A.V.HARIDASAN)  
JUDICIAL MEMBER



(S.P.MUKERJI)  
VICE CHAIRMAN

30.4.1991

Ks.