

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.216/2004

Thursday day this the 24th day of June, 2004.

C O R A M

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

1. Rajendra Babu S,
S/o Sreedharan,
Ist Class Coach Attendant,
Chief Travelling Ticket Inspector (CTTI),
(Sleeper) Office, Southern Railway,
Trivandrum Central
Residing at :
Kattil Veedu, Venni Code P.O.,
Trivandrum (District)
2. C.Jayaraman,
S/o R.Chellappan Asan,
Ist Class Coach Attendant (TTI),
(Sleeper) Office, Southern Railway,
Residing at :
Railway Quarters, No.91-A,
Opposite Police Station,
Thampanoor,
Trivandrum - 695 001 : Applicants

[By Advocate Mr.P.V.Mohanan]

Vs.

1. Senior Divisional Personnel Officer,
Southern Railway,
Divisional Office, Thycaud,
Trivandrum.
2. Divisional Railway Manager,
Thycaud,
Trivandrum
3. The Chief Personnel Officer,
Park Tower,
Chennai : Respondents

[By Advocate Mr.Thomas Mathew Nellimoottil]

The application having been heard on 24.06.2004, the
Tribunal on the same day delivered the following:

O R D E R

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

The applicants two in number while working as Porters were promoted as First Class Coach Attendants (FCCA) in 1986 and 1989 respectively. The scale of pay of the post of FCCA

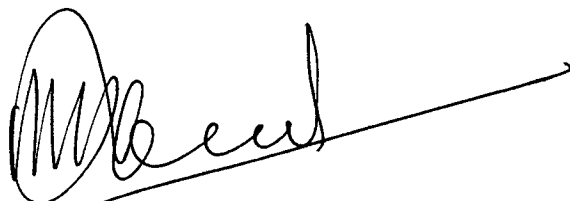
is Rs. 2650-4000. They were by order dated 22.01.2003 (Annexure A-1) promoted as Points-man Grade I in the scale of pay of Rs.3050-4590. They declined to accept the promotion for a period of one year and preferred to continue as FCCA in Trivandrum. Their request was granted and they were allowed to continue. Their present grievance is that by Annexure A-2 order dated 20.02.2004 the applicants 1 and 2 have been transferred as Gate keepers Grade II at Kayamkulam and Ambalapuzha respectively in the scale of pay of Rs.2650-4000. Alleging that the post of First Class Coach Attendant, to which they have been promoted in the year 1986 and 1989 are cadre posts and that they should not have been transferred out of Trivandrum in the lower post, the applicants have filed this Original Application seeking to set aside the impugned order Annexure A-2 and to direct the respondents to retain the applicants as FCCA at Trivandrum in the scale of pay of Rs.2650-4000 or in the promotion post in the scale of Rs.3050-4590. It is alleged in the application that the transfer of the applicants is not warranted by public interest and there is no supervening circumstances warranting their posting in the lower pay scale.

2. The respondents contend that the post of FCCA is ex-cadre post and that when the applicants were rendered surplus, the respondents had no option but to transfer them in the equivalent grade in the scale of pay of Rs.2650-4000 as they had declined to accept the promotion for one year. The respondents contend that there is no scope for any judicial intervention as the action taken is in accordance with the rules. It has however been indicated that the period during which the applicants have declined promotion would come to a close on 20.02.2004.

3. On going through the pleadings and materials on record and hearing Shri P.V.Mohanan, learned counsel for applicants and Mrs. Luxy, Advocate on behalf of respondents, I find that the action on the part of respondents in issuing Annexure A-2 order is unexceptionable. The applicants had declined to accept the promotion to the scale of Rs.3050-4590 for a period of one year and have preferred to continue as FCCA in the scale of pay of Rs.2650-4000. Now that the posts of FCCA in Commercial Department have been rendered surplus, the respondents have no option but to transfer the applicants to the available post in their parent cadre in their grade. As the applicants declined to accept promotion as Points-man Grade I in the scale of pay of Rs. 3050-4590 when offered vide Annexure A-1 for a period of one year they would be offered promotion again when vacancies in that grade would arise and if they refuse to accept their names would be deleted from the panel as per rules.

4. In the light of what is stated above, while declining to interfere with the impugned order and denying the prayers made in this application, we dispose of this Original Application directing the respondents to consider promotion of the applicants as Points-man Grade I, subject to availability of vacancies. The interim order is vacated. No order as to costs.

Dated, the 24th June, 2004.



A.V. HARIDASAN
VICE CHAIRMAN