

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. 217/93

Friday, the twelfth day of November, 1993

MR. N. DHARMADAN MEMBER (JUDICIAL)

MR. S. KASIPANDIAN MEMBER (ADMINISTRATIVE)

A. Dasan
Marker, Southern Railway
Mangalore

Applicant

By Mr. P. Sivan Pillai

vs.

1. The Divisional Personnel Officer
Southern Railway, Palghat

2. A. Palaniappan, Marker
Southern Railway, Tiruppur,
Kovai District

Respondents

Mr. M.C. Cherian

ORDER

N. DHARMADAN

The applicant is challenging his reversion order as per Annexure A-3 proceedings.

2. According to the applicant he was promoted as Marker in the scale of Rs. 800-1150 as per Annexure A-1 order. He joined duty on 9.3.91. While working in that post, he was served with Annexure A-3 order by which he has been reversed as Porter (Commercial Department) in the scale of Rs. 750- 940.

3. According to the applicant, this order of reversion is illegal. There are sufficient number of posts available and the applicant is not the juniormost in the station. Applicant further submitted that they have not issued any seniority list indicating the correct position of the applicant in the seniority list.

4. Pointing out ^{the statement in} para 4 of the impugned order Annexure A-3 the applicant submitted that Shri Marithai who was originally transferred from Erode to Salem was now transferred to Coimbatore. The post to which Shri Marithai was transferred

is vacant. By surrendering ~~xx~~ one vacant post, the applicant would not have become surplus and he can be allowed to continue at Salem in the post of Marithai.

5. It is a fact that the respondents have not issued any seniority list. They have also not given details of the posting of Marithai and surrender of the vacant post as alleged by the applicant. The validity of the reversion of the applicant can only be examined in the light of the seniority list of Markers. The learned counsel for respondents submitted that the seniority list of Markers ^{once} should be published/in two years. Before appointment of the applicant, the seniority list of Markers was issued in November, 1990 and the current seniority list will be published in November, 1993.

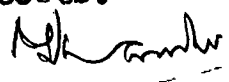
6. In the light of the above submission, we are satisfied that the legality of Annexure A-3 can be examined only in the light of ^{the} current seniority list and placement of the applicant. If the applicant is not the junior most he is not liable to be reverted.

7. Under these circumstances, it will be fair and proper to dispose of the application with appropriate direction in the light of the submission made by the learned counsel for respondents. Accordingly, we direct the first respondent to publish the seniority list of Markers in the Palghat Division before the end of this year giving details of sanctioned post of Markers in that Division. The applicant may file his objection, if any, against the seniority list before the first respondent within ten days from the date of publication of the seniority list. If such a representation is received, it shall be disposed of as expeditiously as possible, at any rate without any delay. Till compliance of the above direction, the interim order passed on 4.2.93 will continue.

8. The application is disposed of as indicated above.

9. There shall be no order as to costs.


(S. KASIPANDIAN)
MEMBER (ADMINISTRATIVE)

 11.11.93
(N. DHARMADAN)
MEMBER (JUDICIAL)