

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. NO. 234 OF 2010

Monday, this the 3rd day of October, 2011

CORAM:

**HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER
HON'BLE Mr. K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

1. S.R.Sreejakumar.
Station Master /III
Karunagapally Railway Station
Residing at 'Ambadi', Kunnathur East PO
Pathanamthitta
2. N.Ramesh.
Station Master/III
Ochira Railway Station
Residing at 'Ramyas'
Njakkanal PO, Kayamkulam
Alapuzha – 690 533
3. M. Nixonlal
Station Master/III,
Karunagapally Railway Station
Residing at Puliyana Muriyil
Prayar North PO
Ochira, Alapuzha – 690 547
4. S. Rajagopal.
Station Master/III
Quilon Railway Station
Residing at Sreevalsam
Chandanathopu PO
Kollam – 691 014
5. P.Padmakumar.
Station Master/III,
Chaganassery Railway Station
Residing at Ranjini
Thukalassery, Tiruvalla
Pathanamthitta – 689 101
6. K.B.Radhakrishnan
Station Master/III
Idappally Railway Station
Residing at 'Dwaraka'
Pournami Nagar, Aluva
Ernakulam – 683 101
7. R.Sunil Kumar.
Station Master/III,
Thiruvalla Railway Station

Applicants

Residing at Chennattu
 Muthupezhumkal PO
 Konni, Pathanamthitta – 689 698

8. G.Ramachandran Pillai.
 Station Master/III
 Ochira Railway Station
 Residing at Chaithram
 Alapuzha – 690 508
9. Johnson David
 Station Master/III
 Mayyanad Railway Station
 Residing at Kanjiram Vila
 Karickom PO, Kottarakkara
 Kottarakkara – 691 531

.... Applicants

(By Advocate Mr.M.P.Varkey)

versus

1. Union of India represented by General Manager
 Southern Railway
 Chennai – 600 003
2. Senior Divisional Personnel Officer
 Southern Railway
 Trivandrum – 695 014
3. M.Prem Cherian
 Station Master/II
 Kadakavur Railway Station & PO
 Trivandrum 695 014
4. P.G.Vijayakumar
 Station Master/II
 Piravam Road Railway Station
 Mevelloor PO
 Kottayam
5. C.Anil George
 Station Master/II
 Perinad Railway Station & PO
 Kollam.
6. V.Babloo Thomas
 Station Master/II
 Kazhakuttam Railway Station & PO
 Thiruvananthapuram
7. T.S.Sreeja
 Station Master/II
 Sr. DOM Office, Trivandrum
 Thiruvananthapuram – 695 014
8. Sarada Prasad Swain
 Station Master/II

Alwaye Railway Station & PO
Ernakulam

9. Anup Jose Issac.
Station Master/II
Piravam Road Railway Station
Mevellor PO, Kottayam
10. Kumaran Kuppatti
Station Master/II
Karukutty Railway Station
Trichur District.
11. P. Pradeep
Station Master/II
Mavelikkara Railway Station & PO
Alapuzha
12. P.Saseendran.
Station Master/II
Trichur Railway
Station & PO
Thrissur.
13. Pradeep Nair
Station Master/II,
Kannyakumari Railway Station & PO
Thiruvananthapuram
14. G.R.Chandra Kingslery
Station Master/II
Kanyakumari Railway Station & PO
Kanyakumari
15. P.D. Peter
Station Master/II
Kalamassery Railway Station & PO
Ernakulam
16. S.Prakash
Station Master/II
Irumpanam Railway Station & PO
Ernakulam
17. J.Vinod
Station Master/II
Chepad Railway Station & PO
Alappuzha.
18. K.Gopakumaran Unnithan
Station Master/II
Kayamkulam Railway Station & PO
Alappuzha
19. M.J.Jayaram
Station Master/II
Thuravur Railway Station & PO, Alappuzha.

20. N.Ravinda Dadaji
Station Master/II
Trichur Railway Station & PO
Thrissur.

21. K.Senthil Kumar
Station Master/II
Nagercoil Railway Station & PO

22. Sanjaykumar
Station Master/II
Wadakkancheri Railway Station & PO
Thrissur

23. M. Muthumanikandan
Station Master/II
Nagercoil Railway Station & PO

24. Om Prakash
Station Master/II
Turaur Railway Station & PO, Alapuzha

25. Raju Augustine
Station Master/II
Ernakulam Marshalling, Kochi.

26. S.Sandhya)
Station Master/II
Kulithurai Railway Station & PO
Nagercoil District

27. G.Saji
Station Master/II
Neyyattinkara Railway Station
Thiruvananthapuram District

28. M.A.George
Station Master/II
Chalakudi Railway Station & PO
Thrissur

... Respondents

(By Advocate Mr.K.M.Anthru
Advocate Ms.A.K.Preetha (R3,4,6,9,11-13,15-19,25 & 28))

The application having been heard on 03.10.2011, the Tribunal on the same day delivered the following:

ORDER

HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER

The applicants are Station Masters in Trivandrum Division of Southern Railway in PB-II ₹ 9300-34800 + Grade Pay of ₹ 4200/- (SM-II

and SM-III merged cadre) with effect from 01.01.2006. According to the applicants Respondents 4 to 28 were inducted in the merged cadre SM-II and SM-III only after 01.01.2006. During the pendency of the OA, since a provisional seniority list was published wherein respondents 4 to 28 were shown as seniors to the applicants. OA was amended incorporating a challenge against the provisional seniority list. It is the contention of the applicants that, dehors the merger of the grade, they would have been in the higher grade as on 01.01.2006 and thus became seniors to the party Respondents. The party respondents on the other hand would contend that at the time when revised pay scales were implemented in 2008, they were already in the higher grade than the applicants. Since merger took place with retrospective effect from 01.01.2006, their position in the seniority list as of 01.01.2006 could not have been affected. The official Respondents on the other hand would submit in para 8 of the reply statement as follows:-

"The averments in paragraph 4 (e) regarding the alleged violation of rules are stoutly denied. The applicants are expected to come out with the details of the alleged violation in order to furnish appropriate replies. Regarding the other averments it is submitted that the pay scales of Station Superintendent and Station Master Grade I, the pay scales of Station Master Grade II and Station Master Grade III were merged with retrospective effect from 01.01.2006. But so far no directions are received from railway Board as to whether the seniority is also to be merged with effect from 01.01.2006 and if so, how it is to be merged. Since the merger of grades is done with retrospective effect, without clear directions as regards seniority, it is difficult to accept the applicant's views. As such, status quo is being maintained i.e, seniority of Station Superintendent, Station Master Grade I, Station Master Grade II & Station Master Grade III are not merged and published. When grades are merged, a common designation is to be awarded and instructions regarding seniority are awaited from Railway Board."



2. Thus according to them, they have not yet taken a decision as to seniority of the applicants vis-a-vis of the party respondents.

3. We have heard the counsel for applicant as well as the counsel for official Respondents and party Respondents.

4. As at present the seniority list has not become final. Only a provisional list is published calling for objection from the parties. If the applicants are wrongly shown as juniors to the party Respondents, it is open to file their objections to the appropriate authority. Possibly because of the OA, they could not file any objections before the official Respondents. Since the seniority list is not finalised, it is pre-mature to decide the question now as to whether the applicants are to be treated as seniors to the party respondents or party respondents are senior to the applicants as the case may be. This is a matter to be decided by the official respondents after hearing the interested parties. Let the applicants file their objections to the provisional seniority list within a period of four weeks from today where upon the 2nd respondent will hear all interested parties taking into consideration their objections before passing the final seniority list. In case it is adverse to any of the party respondents, it is their right to challenge the same before the appropriate forum. Reserving such right and without deciding the merits of the contentions raised and leaving open the contentions, we dispose of the OA with the following directions:

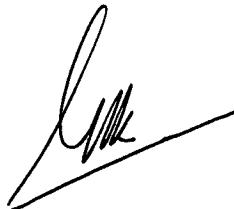
5. The 2nd respondent will hear on the objections to be filed by the applicants within a period of four weeks and also objections of other party respondents and similarly situated persons and after considering such

TM

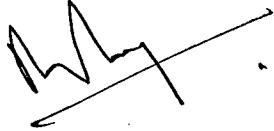
objections by a speaking order, decide the seniority of the parties. In case the applicants are not found to be seniors, let the 2nd respondent inform the applicants by a speaking order.

6. OA is disposed of as above. No costs.

Dated, the 3rd October, 2011.



K GEORGE JOSEPH
ADMINISTRATIVE MEMBER



JUSTICE P.R.RAMAN
JUDICIAL MEMBER

VS