

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No. 235 of 2008

Wednesday, this the 3rd September, 2008

C O R A M :

HON'BLE DR. K B S RAJAN, JUDICIAL MEMBER

1. Vipin A.V,
S/o. A.P. Vasu,
Assistant Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode
2. A.N.Suresh,
S/o. K. Narayanan,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode
3. Nisar K.A,
S/o. Aliyar K.P,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode
4. Aneesh K,
S/o. Damodharan K,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode
5. Manoj A,
S/o. A. Asokan,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode



6. Sibin S,
S/o. Soman A,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode
7. T.K.Gopakumar,
S/o. P. Gandhadharan Nair,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode
8. Joby John,
S/o.K.J. John,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode
9. Aromal Sasi S,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode
10. Anand S.U,
S/o. B. Sasidharan Pillai,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode
11. Mahesh Balachandran,
S/o. M.V. Balachandran,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode
12. Mahesh G,
S/o. S. Gopalakrishnan Nair,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode



13. Jijo Mannukadan,
S/o. M.P. Devassy,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode
14. Aneesh V,
S/o. Viswambharan,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode
15. Hari C.G,
S/o. R. Chandrasekharan Nair,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Ero
16. Kishor Kumar A,
S/o. S. Arumugham,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode
17. Jacob Raju,
S/o. Raju A.C,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode
18. Sabir N,
S/o. K.N. Nazeerkunju,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode
19. Laiju R,
S/o. T.U. Rajappan,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode



20. Krishna Raj P,
S/o. Prabha Kumar,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode
21. Binu Kumar P.S.
S/o. K.C. Sundaresan,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode
22. Maneksha R,
S/o. S. Raveendran Nair,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode
23. Anoop V.N.,
S/o. N.K. Vijayan,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode
24. B.S.Hari Krishnan,
S/o. T. Balachandran pillai,Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode
25. Sobin Babu,
S/o. V. Babu,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode
26. Ajith Kumar,
S/o. Chandukutty T,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode



27. Ratheesh Nair G,
S/o. R. Gopinathan Nair,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode
28. Shibu S,
S/o. R. surendran,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode
29. Shibu G. Kurpu,
S/o. S. Gopalakrishna Kurup,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode
30. Satheesh Kumar K.R,
S/o. P. Kumaran Nair,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode
31. Praveen P.S,
S/o. K. Prabhakaran Pillai,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode
32. Sreejith N,
S/o. Lohithakshan E,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode
33. Prasanth S.K,
S/o. A. Sasidharan Pillai,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode



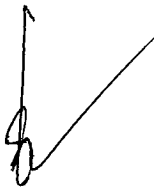
34. Vishnu Sidharth,
S/o. P. Sidharthan,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode
35. Renjith A.S,
S/o. Appunni Nair,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode
36. Sandeep P,
S/o. Subhash K,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode
37. Renjith S,
S/o. K. Sukumara Pillai,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode
38. Saneyev S,
S/o. R. Sasi,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode
39. Sajeesh K.N,
S/o. K.M. Narayanan Kutty,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode
40. Sujith Sudhakaran,
S/o. Sudhakaran,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode



41. Rajesh K,
S/o. Krishnan Kutty K,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode
42. Subin Chakravarthy,
S/o. Chakran,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode
43. Sijo Paulson,
S/o Paulson T.A,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode
44. Ramachandran N.
S/o. R.Annamalai Pillai
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode
45. Joseph Martin M.G,
S/o. M.M. George,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode
46. Rineesh T.T,
S/o. T.T. Gangadharan,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode
47. Bijoy E.P,
S/o. E.P.Poulose,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode



48. Ratheesh A,
S/o. K. Ayyappan,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode
49. Sreenu K.K.,
S/o. Kannan E.K.,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode
50. Anoop K.S.,
S/o. E.N. Sasidharan,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode
51. S. Ajith Pramod,
S/o. V. Sankunni Achary,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode
52. O. Abhilash,
S/o. O. Aramughan,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode
53. Abhilash K.C.,
S/o. Achuthan K.C.,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode
54. Biju P,
S/o. K. Peethambaran,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode



55. Baneesh Kumar B,
S/o. K K Balan,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller,
Southern Railway, Erode

(By Advocate Mr. T.C. Govindaswamy)

v e r s u s

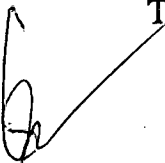
1. Union of India represented by
The General Manager, Southern Railway,
Headquarters Office, Park Town P.O.,
Chennai – 3
2. The Divisional Railway Manager,
Southern Railway, Palghat Division,
Palghat.
3. The Divisional Railway Manager,
Southern Railway, Salem Division,
Salem.
4. The Senior Divisional Personnel Officer,
Southern Railway, Palghat Division,
Palghat.
5. The Senior Divisional Mechanical Engineer
Southern Railway, Palghat Division,
Palghat. ... Respondents.

(By Advocate Mr. Thomas Mathew Nellimoottil)

O R D E R
HON'BLE DR. K B S RAJAN, JUDICIAL MEMBER

This case is identical to the one in OA No. 754/2007 wherein the

Tribunal has passed the following order on 21st December, 2007:-




“ The applicants, five in number, have earlier requested for transfer from Erode Depot (erstwhile Palghat Division) to various other depots in Palghat Division. While their applications were yet to be disposed of, the new Salem Division was formed, consequent to which, the applicants, as on date are borne in Salem Division and their requests become inter-divisional transfer. Vacancies to the post of Assistant Loco Pilot exist in the present Palghat Division wherein, if the applicants are transferred before effecting any new direct recruitment against Direct Recruitment vacancies, their seniority in the said post shall be protected. The apprehension of the applicants is that, in the event of direct recruitees' joining the post of Assistant Loco Pilot at Palghat Division before finalisation of their transfer applications, the applicants would lose their seniority and perhaps may not be transferred even.

2. Counsel for respondents submitted that, except the applicant No.3, all others have applied not only for intra-divisional transfer but also for transfer to Trivandrum Division and their cases are under consideration.

3. The applicants have made their representation as recently as on 5.12.2007 referring to their earlier applications for transfer. This too has not so far been disposed of.

4. It is felt that, interests of justice would be met by disposing of this O.A. at this stage itself, with a direction to the respondents to consider the transfer applications made by the applicants either to Palghat Division or to Trivandrum Division (if the applicants have so applied for) as early as possible preferably before effecting any new appointment in the Palghat Division on regular basis. In case direct recruitment is to precede consideration of the cases of the applicants, suitable note may be recorded in such appointment orders, that the seniority of such new entrants will be decided after taking into account the transfer applications of the applicants as well as similarly situated other employees. It is hoped that, necessary provision may be made to accommodate the applicants in the Palghat Division if otherwise in order, by making available such number of vacancies for which transfer is sought.

5. O.A. is disposed of as above. No costs. “

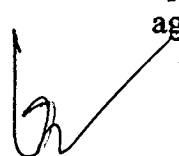


2. The above order is stated to have been implemented within a weeks time thereof.

3. Briefly stated that applicants were initially appointed as temporary Assistant Loco Pilots and have been deputed for training. They have successfully completed their training and have now been appointed as Assistant Loco Pilots on regular basis. Meanwhile, Salem Division was carved out of the Palakkad Division with effect from 01-11-2007 and the applicants are presently posted at Erode which comes under Salem Division. These applicants had applied for transfer from Erode Station to Palakkad Station in the same seniority unit. The Railway Recruitment Board is stated to have selected about 30 Assistant Loco Pilots in the subsequent recruitment years and allotted them to Palakkad Division. The apprehension of the applicants is that if their inter-divisional transfer is not effected before the joining of the new direct recruits, their seniority would be adversely affected and they would be treated as juniors to them. They have, therefore, prayed for the following relief(s):-

(i) Declare that the non-fesance on the part of the respondents to consider Annexure A4 and similar applications submitted by the applicants and to transfer and post them against the existing and future vacancies of Assistant Loco Pilots (Diesel/Electrical) in the Palghat Divisional Area of Southern Railway, is arbitrary, discriminatory and unconstitutional;

(ii) Direct the respondents to consider Annexure A4 and similar applications submitted by the applicants and to transfer and post them against the existing and future vacancies of Assistant Loco Pilots



(Diesel/Electrical) in the Palghat Divisional Area of Southern Railway, forthwith and at any case in preference to direct recruitment.

4. Though the applicants have prayed for an interim relief by way of direction to the respondents to restrain them from filling up the existing vacancies of Assistant Loco Pilots (Diesel/Electrical) in the Palghat Divisional Area of Southern Railway by direct recruitment, the Tribunal had restricted the relief to the effect that seniority of the Assistant Loco Pilots (Diesel & Electrical) being recruited in the Palghat Divisional Area of Southern Railway shall be subject to the outcome of this O.A.

5. Respondents have filed their reply in which they have stated as under:-

"The applicants are presently working as Assistant Loco Pilot (ALP in short) at Erode of Salem Division. All the applicants were recruited through Railway Recruitment Board and have joined in this Division after the formation i.e. after 01.11.07. After the bifurcation, the optees for Inter Divisional/Inter Railway Transfer to the newly formed Salem Division were allowed to join upto 30.06.2008 though the cadres were closed with effect from 01.06.2008. About 103 ALPs including the applicants have registered their names for inter Divisional transfer from various dates commencing from 1.12.07 to 20.05.08 and the same has been communicated to Palghat Division for consideration subject to other relevant conditions. It was decided vide letter No. P(R)676/Salem Division/formation dated 03.03.2008 by CPO/MAS, copy of which is enclosed herewith and marked as Annexure R-1, that with regard to the request transfer registered by the staff for transfer from Palghat to Salem and vice-versa, it is advised that the transfer orders may be issued on 1:1 basis so that the number of pending requests will come down. This should be done immediately and such employees be relieved

forthwith. After taking action as indicated *ibid*, for the left over employees who have registered for transfer, lien may be provided, before the cadre closure, in the Divisions to which the employees are seeking transfer to. Hence action has been taken to protect the interest of the employees who registered for Inter Divisional Transfer between the two Divisions and the applicants will be considered on their turn."

6. Counsel for the applicants submitted that justice would be rendered if the applicants' transfer applications are also processed in the same manner as in the above case.

7. It should be appreciated that when a division is created from carving out from other existing divisions, preference is to be given to the existing employees^{of} such divisions wherefrom the new division is carved out and their seniority position crystallized and it should be thereafter that new direct recruitment should be made. This spirit was latent in the above order and the fact that the Railways have implemented the above order confirms that the Railways too fully agreed to the same. Annexure R.1 also goes in tandem with the above.

8. As such, this O.A. is disposed of with the direction that the applicants herein shall be afforded the same treatment as the applicants in OA No. 754/2007 in respect of their transfer request. If any individual had in the recent



past had been appointed as Assistant Loco Pilot (Diesel/Electrical) under direct recruitment on or after 5th May, 2008 (the date of filing of this OA and if his seniority would be affected by transfer and fixation of seniority of the applicants herein, he shall be put to notice along with the fact that at the time of initial admission, the Tribunal has given an interim order, "seniority of the Assistant Loco Pilots (Diesel/Electrical) being recruited in the Palghat Divisional Area of Southern Railway shall be subject to the outcome of this O.A."

9. This order be complied with, within a period of three months from the date of communication of this order. No costs.

(Dated, the 3rd September, 2008)



(Dr. K B S RAJAN)
JUDICIAL MEMBER

cvt.

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Contempt Petition No. 123 of 2009 in
Original Application No. 235 of 2008

And

Miscellaneous Application No. 579 of 2010 in
Original Application No. 235 of 2008

Friday, this the 30th day of July, 2010

CORAM:

Hon'ble Mr. Justice K. Thankappan, Judicial Member
Hon'ble Mr. K. George Joseph, Administrative Member

1. Contempt Petition No. 123/09 in OA/235/08 -

1. Vipin A.V, S/o. A.P. Vasu, Assistant Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
2. A.N.Suresh, S/o. K. Narayanan, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
3. Nisar K.A, S/o. Aliyar K.P, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
4. Aneesh K, S/o. Damodharan K, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
5. Manoj A, S/o. A. Asokan, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
6. Sibin S, S/o. Soman N, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
7. T.K.Gopakumar, S/o. P. Gandhadharan Nair,
Asstt. Loco Pilot-Diesel, Chief Crew Controller,
Southern Railway, Erode
8. Joby John, S/o.K.J. John, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
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Chief Crew Controller, Southern Railway, Erode
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Asstt. Loco Pilot-Diesel, Chief Crew Controller,
Southern Railway, Erode



11. Mahesh Balachandran, S/o. M.V. Balachandran,
Asstt. Loco Pilot-Diesel, Chief Crew Controller,
Southern Railway, Erode
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Asstt. Loco Pilot-Diesel, Chief Crew Controller,
Southern Railway, Erode
13. Jijo Mannukadan, S/o. M.P. Devassy,
Asstt. Loco Pilot-Diesel, Chief Crew Controller,
Southern Railway, Erode
14. Aneesh V, S/o. Viswambharan,
Asstt. Loco Pilot-Diesel, Chief Crew Controller,
Southern Railway, Erode
15. Hari C.G, S/o. R. Chandrasekharan Nair,
Asstt. Loco Pilot-Diesel, Chief Crew Controller,
Southern Railway, Erode
16. Kishor Kumar A, S/o. S. Arumugham,
Asstt. Loco Pilot-Diesel, Chief Crew Controller,
Southern Railway, Erode
17. Jacob Raju, S/o. Raju A.C,
Asstt. Loco Pilot-Diesel, Chief Crew Controller,
Southern Railway, Erode
18. Sabir N, S/o. K.N. Nazeerkunju,
Asstt. Loco Pilot-Diesel, Chief Crew Controller,
Southern Railway, Erode
19. Laiju R, S/o. T.U. Rajappan,
Asstt. Loco Pilot-Diesel, Chief Crew Controller,
Southern Railway, Erode
20. Krishna Raj P, S/o. Prabha Kumar,
Asstt. Loco Pilot-Diesel, Chief Crew Controller,
Southern Railway, Erode
21. Binu Kumar P.S. S/o. K.C. Sundaresan,
Asstt. Loco Pilot-Diesel, Chief Crew Controller,
Southern Railway, Erode
22. Maneksha R, S/o. S. Raveendran Nair,
Asstt. Loco Pilot-Diesel, Chief Crew Controller,
Southern Railway, Erode



23. Anoop V.N., S/o. N.K. Vijayan,
Asstt. Loco Pilot-Diesel, Chief Crew Controller,
Southern Railway, Erode
24. B.S.Hari Krishnan, S/o. T. Balachandran pillai, Asstt. Loco Pilot-
Diesel, Chief Crew Controller,
Southern Railway, Erode
25. Sobin Babu, S/o. V. Babu, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
26. Ajith Kumar, S/o. Chandukutty T, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
27. Ratheesh Nair G, S/o. R. Gopinathan Nair,
Asstt. Loco Pilot-Diesel, Chief Crew Controller,
Southern Railway, Erode
28. Shibu S, S/o. R. surendran, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
29. Shibu G. Kurpu, S/o. S. Gopalakrishna Kurup,
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Chief Crew Controller, Southern Railway, Erode
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Asstt. Loco Pilot-Diesel, Chief Crew Controller,
Southern Railway, Erode
31. Praveen P.S, S/o. K. Prabhakaran Pillai, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
32. Sreejith N, S/o. Lohithakshan E, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
33. Prasanth S.K, S/o. A. Sasidharan Pillai,
Asstt. Loco Pilot-Diesel, Chief Crew Controller,
Southern Railway, Erode
34. Vishnu Sidharth, S/o. P. Sidharthan, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
35. Renjith A.S, S/o. Appunni Nair, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
36. Sandeep P, S/o. Subhash K, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode



37. Renjith S, S/o. K. Sukumara Pillai, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
38. Saneyev S, S/o. R. Sasi, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
39. Sajeesh K.N, S/o. K.M. Narayanan Kutty,
Asstt. Loco Pilot-Diesel, Chief Crew Controller,
Southern Railway, Erode
40. Sujith Sudhakaran, S/o. Sudhakaran, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
41. Rajesh K, S/o. Krishnan Kutty K, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
42. Subin Chakravarthy, S/o. Chakran, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
43. Ramachandran A. S/o. R. Annamalai Pillai
Asstt. Loco Pilot-Diesel, Chief Crew Controller,
Southern Railway, Erode
44. Rineesh T.T, S/o. T.T. Gangadharan,
Asstt. Loco Pilot-Diesel, Chief Crew Controller,
Southern Railway, Erode
45. Bijoy E.P, S/o. E.P. Poullose, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
46. Sreenu K.K., S/o. Kannan E.K. Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
47. Anoop K.S, S/o. E.N. Sasidharan, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
48. S. Ajith Pramod, S/o. V. Sankunni Achary, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
49. Abhilash O., S/o. O. Aramughan, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
50. Abhilash K.C, S/o. Achuthan K.C., Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
51. Biju P, S/o. K. Peethambaran, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
52. Baneesh Kumar B, S/o. K K Balan, Asstt. Loco Pilot-Diesel,



Chief Crew Controller, Southern Railway, Erode

53. Joseph Martin M.G., S/o. M.M. George, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
54. Ratheesh A., S/o. K. Ayyappan, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway,
Erode
- **Petitioners**

(By Advocate – Mr. Mohana Kumar for Mr. T.C. Govindaswamy)

V e r s u s

1. Sri Deepak Krishan, General Manager,
Southern Railway, Headquarters Office, Park Town P.O.,
Chennai-3.
 2. Sri P.N. Ram, Divisional Railway Manager, Southern Railway,
Salem Division, Salem.
 3. Sri N. Govindan, Divisional Personnel Officer,
Southern Railway, Palghat Division,
Palghat.
- **Respondents**

(By Advocate – Mr. Thomas Mathew Nellimoottil)

2. **MA 579 of 2010 in OA/235/08 -**

1. Union of India represented by The General Manager, Southern
Railway, Headquarters Office, Park Town P.O., Chennai – 3
 2. The Divisional Railway Manager,
Southern Railway, Palghat Division, Palghat.
 3. The Divisional Railway Manager,
Southern Railway, Salem Division, Salem.
 4. The Senior Divisional Personnel Officer,
Southern Railway, Palghat Division, Palghat.
 5. The Senior Divisional Mechanical Engineer
Southern Railway, Palghat Division,
Palghat.
- **Applicants**

(By Advocate – Mr. Thomas Mathew Nellimoottil)

V e r s u s

1. Vipin A.V, S/o. A.P. Vasu, Assistant Loco Pilot-Diesel,



- Chief Crew Controller, Southern Railway, Erode
2. A.N.Suresh, S/o. K. Narayanan, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
 3. Nisar K.A, S/o. Aliyar K.P, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
 4. Aneesh K, S/o. Damodharan K, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
 5. Manoj A, S/o. A. Asokan, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
 6. Sibin S, S/o. Soman N, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
 7. T.K.Gopakumar, S/o. P. Gandhadharan Nair,
Asstt. Loco Pilot-Diesel, Chief Crew Controller,
Southern Railway, Erode
 8. Joby John, S/o.K.J. John, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
 9. Aromal Sasi S, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
 10. Anand S.U, S/o. B. Sasidharan Pillai,
Asstt. Loco Pilot-Diesel, Chief Crew Controller,
Southern Railway, Erode
 11. Mahesh Balachandran, S/o. M.V. Balachandran,
Asstt. Loco Pilot-Diesel, Chief Crew Controller,
Southern Railway, Erode
 12. Mahesh G, S/o. S. Gopalakrishnan Nair,
Asstt. Loco Pilot-Diesel, Chief Crew Controller,
Southern Railway, Erode
 13. Jijo Mannukadan, S/o. M.P. Devassy,
Asstt. Loco Pilot-Diesel, Chief Crew Controller,
Southern Railway, Erode
 14. Aneesh V, S/o. Viswambharan,
Asstt. Loco Pilot-Diesel, Chief Crew Controller,
Southern Railway, Erode
 15. Hari C.G, S/o. R. Chandrasekharan Nair,
Asstt. Loco Pilot-Diesel, Chief Crew Controller,
Southern Railway, Erode



16. Kishor Kumar A, S/o. S. Arumugham,
Asstt. Loco Pilot-Diesel, Chief Crew Controller,
Southern Railway, Erode
17. Jacob Raju, S/o. Raju A.C,
Asstt. Loco Pilot-Diesel, Chief Crew Controller,
Southern Railway, Erode
18. Sabir N, S/o. K.N. Nazeerkunju,
Asstt. Loco Pilot-Diesel, Chief Crew Controller,
Southern Railway, Erode
19. Laiju R, S/o. T.U. Rajappan,
Asstt. Loco Pilot-Diesel, Chief Crew Controller,
Southern Railway, Erode
20. Krishna Raj P, S/o. Prabha Kumar,
Asstt. Loco Pilot-Diesel, Chief Crew Controller,
Southern Railway, Erode
21. Binu Kumar P.S. S/o. K.C. Sundaresan,
Asstt. Loco Pilot-Diesel, Chief Crew Controller,
Southern Railway, Erode
22. Maneksha R, S/o. S. Raveendran Nair,
Asstt. Loco Pilot-Diesel, Chief Crew Controller,
Southern Railway, Erode
23. Anoop V.N., S/o. N.K. Vijayan,
Asstt. Loco Pilot-Diesel, Chief Crew Controller,
Southern Railway, Erode
24. B.S.Hari Krishnan, S/o. T. Balachandran pillai, Asstt. Loco Pilot-
Diesel, Chief Crew Controller,
Southern Railway, Erode
25. Sobin Babu, S/o. V. Babu, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
26. Ajith Kumar, S/o. Chandukutty T, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
27. Ratheesh Nair G, S/o. R. Gopinathan Nair,
Asstt. Loco Pilot-Diesel, Chief Crew Controller,
Southern Railway, Erode
28. Shibu S, S/o. R. surendran, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode



29. Shibu G. Kurpu, S/o. S. Gopalakrishna Kurup,
Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
30. Satheesh Kumar K.R, S/o. P. Kumaran Nair,
Asstt. Loco Pilot-Diesel, Chief Crew Controller,
Southern Railway, Erode
31. Praveen P.S, S/o. K. Prabhakaran Pillai, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
32. Sreejith N, S/o. Lohithakshan E, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
33. Prasanth S.K, S/o. A. Sasidharan Pillai,
Asstt. Loco Pilot-Diesel, Chief Crew Controller,
Southern Railway, Erode
34. Vishnu Sidharth, S/o. P. Sidharthan, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
35. Renjith A.S, S/o. Appunni Nair, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
36. Sandeep P, S/o. Subhash K, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
37. Renjith S, S/o. K. Sukumara Pillai, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
38. Saneyev S, S/o. R. Sasi, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
39. Sajeesh K.N, S/o. K.M. Narayanan Kutty,
Asstt. Loco Pilot-Diesel, Chief Crew Controller,
Southern Railway, Erode
40. Sujith Sudhakaran, S/o. Sudhakaran, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
41. Rajesh K, S/o. Krishnan Kutty K, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
42. Subin Chakravarthy, S/o. Chakran, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
43. Sijo Paulson, S/o. Paulson T.A., Asstt. Loco Pilot-Diesel
Chief Crew controller, Southern Railway, Erode.



44. Ramachandran N. S/o. R. Annamalai Pillai
Asstt. Loco Pilot-Diesel, Chief Crew Controller,
Southern Railway, Erode
 45. Joseph Martin M.G., S/o. M.M. George, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
 46. Rineesh T.T, S/o. T.T. Gangadharan,
Asstt. Loco Pilot-Diesel, Chief Crew Controller,
Southern Railway, Erode
 47. Bijoy E.P, S/o. E.P. Poullose, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
 48. Ratheesh A., S/o. K. Ayyappan, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway,
Erode
 49. Sreenu K.K., S/o. Kannan E.K. Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
 50. Anoop K.S, S/o. E.N. Sasidharan, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
 51. S. Ajith Pramod, S/o. V. Sankunni Achary, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
 52. O. Abhilash, S/o. O. Aramughan, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
 53. Abhilash K.C, S/o. Achuthan K.C., Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
 54. Biju P, S/o. K. Peethambaran, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway, Erode
 55. Baneesh Kumar B, S/o. K K Balan, Asstt. Loco Pilot-Diesel,
Chief Crew Controller, Southern Railway,
Erode
- Respondents

(By Advocate – Mr. Mohana Kumar for Mr. T.C. Govindaswamy)

This Contempt Petition and Miscellaneous Application having been heard on 30.7.2010, the Tribunal on the same day delivered the following:



ORDER

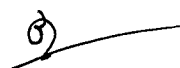
By Hon'ble Mr. Justice K. Thankappan, Judicial Member -

The Contempt Petition is filed alleging non-compliance of the order passed in OA No. 235 of 2008. We have heard the learned counsel appearing for the petitioners Mr. Mohana Kumar for Mr. T.C. Govindaswamy and Mr. Thomas Mathew Nellimoottil appearing for the respondents and we have also perused the order passed by this Tribunal. In OA No. 235 of 2008 in paragraph 8 of the order it is directed as follows:-

“8. As such, this O.A. is disposed of with the direction that the applicants herein shall be afforded the same treatment as the applicants in OA No. 754/2007 in respect of their transfer request. If any individual had in the recent past had been appointed as Assistant Loco Pilot (Diesel/Electrical) under direct recruitment on or after 5th May, 2008 (the date of filing of this OA and if his seniority would be affected by transfer and fixation of seniority of the applicants herein, he shall be put to notice along with the fact that at the time of initial admission, the Tribunal has given an interim order, “seniority of the Assistant Loco Pilots (Diesel/Electrical) being recruited in the Palghat Divisional Area of Southern Railway shall be subject to the outcome of this O.A.”

2. It seems that the direction issued by this Tribunal is based on the order passed in OA No. 754 of 2007. OA No. 754 of 2007 was disposed of by this Tribunal holding the position that the Assistant Loco Pilots who have got earlier lien would be given the seniority and the transfer if any made, shall be on the basis of that seniority. If so, the present Contempt Petition can be considered in the light of that direction contained in OA No. 754 of 2007. It is the similar order passed by this Tribunal in OA No. 235 of 2008 and the same treatment can be given to the petitioners also.

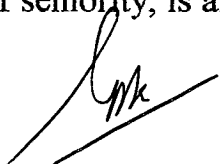
3. Learned counsel for the respondents Mr. Thomas Mathew Nellimoottil



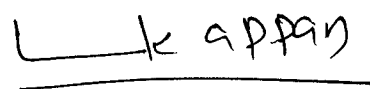
had produced before us a list, already prepared showing the seniority position of Assistant Loco Pilots in Palaghat who have got lien on the basis of their seniority. If, there is any violation in the preparation of that seniority there can be a contempt but we have seen that there is no violation of any seniority of earlier lien holders of Palaghat Division.

4. In the above circumstances, the present Contempt Petition fails and we are of the view that there is no wilful or deliberate disobedience of the orders passed by this Tribunal. Even if any transfer has to be made, it can be only on the basis of the seniority of the petitioners, namely the cadre of the Assistant Loco Pilots. Accordingly, the Contempt Petition stands closed.

5. However, MA 579 of 2010 filed for extension of time by the respondents for compliance of the order and completion of the transfer on the basis of seniority, is allowed, for the reasons recorded in the application.



(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER



(JUSTICE K. THANKAPPAN)
JUDICIAL MEMBER

“SA”