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CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.Nos.244/96,246/96, 1345/96,1060/97
& 1061/97

Dated the 8th day of March, 2000

CORAM:
HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE SHRI G.RAMAKRISHNAN, MEMBER(A)

O.A.244/96

M.Parameswaran,
Head Parcel Clerk,
Southern Railway,
Palakkad. .. Applicant

(By Advocate Mr. K.A.Abraham)

vs.

1. The Union of India represented by the Secretary, Railway Board, Rail Bhavan, New Delhi.

2. The General Manager, Southern Railway, Madras -3.

3. The Divisional Personnel Officer, Southern Railway, Palakkad. ..Respondents

(By Advocate Smt.Sumathi Dandapani)

O.A.246/96

E.A.D'Costa,
Chief Commercial Clerk,
Southern Railway,
Coimbatore. ..Applicant

(By Advocate Mr. K.A.Abraham)

vs.

1. The Union of India, represented by the Secretary, Railway Board, Rail Bhavan, New Delhi.

2. The General Manager,Southern Railway, Madras-3.

3. The Divisional Personnel Officer, Southern Railway, Palakkad. ..Respondents

(By Advocate Smt.Sumathi Dandapani)

O.A.1345/96
Smt.Mary Mercy,
Chief Commercial Clerk Gr.III
Southern Railway, Ernakulam Goods
Ernakulam. ...Applicant

(By Advocate Mr. K.A.Abraham)

vs.

1. Union of India, represented by the Secretary, Railway Board, Rail Bhavan, New Delhi.

2. The General Manager,Southern Railway, Madras -3.

3. The Divisional Railway Manager, Southern Railway, Trivandrum. ..Respondents

(By Advocate Mrs.Sumathi Dandapani)

O.A.1060/97
L.Anbu,
HGC/PSTN,Head Goods Clerk, Palghat Town,
S.No.J/C 336,
Arun Nilayam,
Hill view nagar,
Kakkani,
Dhhoni(P.).)
Palakkad-678009. .. Applicant

(By Advocate M/s. Youseff & Aysha)

vs.

1. The Railway Board,through its Chairman,Rail Bhavan, New Delhi.

2. The General Manager, Southern Railway, Madras.

3. The Divisional Railway Manager, Southern Railway, Palakkad.

4. The Divisional Personnel Officer, Palakkad.

4. The Union of India represented by its Secretary, Ministry of Railways, New Delhi. ..
Respondents

(By Advocate Mrs. Sumathi Dandapani)

O.A.1061/97

K.K.Gopi,
S/o Krishnakurup,
C.G.C.Palakkad,
S.No.16989,
Near Mariyamman Temple,
Kallekulangara,
Palakkad-678009. ..Applicant

(By Advocate M/s. Youseff & Aysha)

vs.

1. The Railway Board through its Chairman, Rail Bhavan, New Delhi.

2. The General Manager, Southern Railway, Madras.

3. The Divisional Railway Manager, Southern Railway, Palakkad.

4. The Divisional Personnel Officer, Palakkad.

5. The Union of India represented by its Secretary, Ministry of Railways, New Delhi. ..Respondents

(By Advocate Smt. Sumathi Dandapani)

The Application having been heard on 8.3.2000, the Tribunal on the same day delivered the following:

ORDER

HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN:

The vital issue involved in all these cases being one and the same, the applications are being heard and disposed of by this common order.

O.A.244/96

The applicant in O.A.244/96, a Head Parcel Clerk, Southern Railway, Palakkad has filed this application praying that the seniority list A3 may be set aside and the respondents 1 & 2 may be directed to revise the seniority list in terms of the Judgement of this Tribunal in OA 552/90 and connected cases wherein it was held that the principle of reservation operate on the cadre strength and the seniority vis a vis reserved and unreserved categories of employees in the lower category will be reflected in the promoted category also notwithstanding the earlier promotion obtained on the basis of reservation.

O.A.246/96

The applicant in OA 246/96, a Chief Commercial Clerk has prayed that the impugned A3 list may be set aside and the respondents be directed to revise the seniority list in terms of the Judgement of this Tribunal in OA 552/90 and connected cases as also to adjust all the promotions made after 24.02.84 otherwise than in accordance with the judgement of Allahabad High Court in **JC Malik Vs. U.O.I & Others.**

O.A.1345/96

The applicant in OA 1345/96, a Chief Commercial Clerk Gr.III, Southern Railway, Ernakulam has in her application prayed as follows:-

> i) To direct the respondents to produce the records leading to the promotion of the applicant and others to the Senior Grade Rs.1200-2040/- and to the other Higher Grade to Rs.1400-2300 and the seniority lists drawn up on the promoted grades.
>
> ii) To direct the respondents to regularise the promotions and seniority of the applicant retrospectively in compliance with Annexure A2 and also the orders of the Supreme Court dt.24.2.1984 in C.A.No.2017/78 and the clarificatory order in C.M.P.No.26626 passed on 24.9.1984 and also this Hon'ble Tribunal's order dt.6.9.1994 in O.A. 483/91
>
> iii) To further direct the respondents to regularise the seniority between the reserved category candidates and the general candidates in the promoted categories in the Senior Grade of Rs.1200-2040 and the other

Higher Grade of Rs.1400-2300 with reference to their inter-se seniority in the lower grade and regularise the provisional promotions.

O.A.1060/97

The applicant in O.A.1060/97, a Head Goods Clerk of Palakkad Town station has also sought the relief similar to what has prayed for in the first two cases.

O.A.1061/97

The applicant in OA 1061/97 ,a Commercial Clerk Grade II , at the time when he filed this application has also claimed to recast Annexure.A7 seniority list based on Annexure.A1 and A3 adjusting the promotions according to the Judgement in **JC Malik Vs. UOI & others (1978(1) SLR 844)** .

2. The respondents in all these cases filed detailed reply statements as the issue involved in all these cases was settled initially by the apex court in its rulings in **RK Sabarwal Vs. State of Punjab,1995(2) SCC 745, Vir Pal Singh Chauhan and others Vs. UOI & others (1995 (6) SCC 684)**, and these cases were pending awaiting the decision of the Constitution Bench of the Apex Court.

3. Now that the Apex Court has finally determined the issues in Ajith Singh & others (II) Vs. State of Punjab and others (1999) 7 SCC 209), the applications have now to be

disposed of directing the Railway Administration to revise the seniority and to adjust the promotions in accordance with the guidelines contained in the above judgement of the Supreme Court.

4. In the result, in the light of what is stated above, all these applications are disposed of directing the respondents Railway Administration to take up the revision of the seniority in these case in accordance with the guidelines contained in the Judgement of the Supreme Court in **Ajith Singh & Others(II) Vs. State of Punjab and others** (1999) 7 SCC 209) as expeditiously as possible. No costs.

Sd/-
G.RAMAKRISHNAN
ADMINISTRATIVE MEMBER

Sd/-
A.V. HARIDASAN
VICE CHAIRMAN

List of Annexures referred to in the order:

OA-246/96

1. **A-3: True copy of the communication No.J/P.608/II/ Vol.6 dt.23.11.95 issued by the 3rd respondent.**

OA-1345/96

2. **A-2: True copy of the letter No.85-E(SC)/49/2 dt. 26.2.85 issued by the Railway Board.**

OA-1061/97

3. **A-1: True copy of the order C.M.P.No.3490/84 (In C.A.No.2017/78) dt.24.9.84 of the Supreme Court of India.**

4. **A-3: True copy of the order CMP Nos.41996 to 42003/84 in W.P.Nos.17386 to 17393/84.**

5. **A-7: True copy of the seniority list of Commercial Clerks in Grade Rs.1600-2660.**

CERTIFIED TRUE COPY
Date 27.3.2000.....

Deputy Registrar