

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.288/05

Friday this the 10th day of June 2005

C O R A M :

HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER
HON'BLE MR.N.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

1. T.Samuel,
Technician Grade II,
CDO/TVC, Southern Railway, Trivandrum.
Residing at Binu Bhavan,
Mavadi P.O., Kottarakkara,
Kollam District.
2. M.Natarajan,
Technician Grade II,
CDO/TVC, Southern Railway, Trivandrum.
Residing at Mammattakundu, Mudaliyar Street,
Shornur.

...Applicants

(By Advocate M/s.VR Ramachandran Nair & Premchand R)

Versus

1. Union of India represented by the Secretary,
Ministry of Railways, Rail Bhavan,
New Delhi.
2. The General Manager,
Southern Railway, Chennai.
3. The Senior Divisional Personnel Officer,
Divisional Office, Southern Railway,
Personnel Branch, Trivandrum – 695 014.

...Respondents


(By Advocate Mr.Thomas Mathew Nellimoottil)

This application having been heard on 10th, June 2005 the Tribunal on the same day delivered the following :

ORDER

HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

The applicants are working as Technician Grade II in the Trivandrum Division. The 3rd respondent published the seniority list of different categories of Artisan staff on 24.7.2002 and on 15.9.2004 issued orders



regarding restructuring of carriage and wagon staff of the mechanical department belonging to group C cadre with effect from 1.11.2003. It is averred in the application that irrespective of the above restructuring the total number of posts remained unaltered. No additional posts were created or vacancy arose on account of restructuring of the artisan cadre. On 4.10.2004 the 3rd respondent issued order promoting Technician Grade II to Technician Grade I, Carriage & Wagon against the restructured/released vacancies with effect from 1.11.2003. Technician Grade II who are far juniors to the applicants have found place in the promotion list and have been promoted. Aggrieved the applicants have filed this application seeking the following reliefs :-

1. To issue a direction to the respondents to consider the applicants for promotion to the post of Technician Grade I against restructured posts.
2. To issue such other orders or directions as this Hon'ble Tribunal may deem fit and proper in the interest of justice.

2. When the matter came up for hearing Shri.Premchand R appeared for the applicants and Shri.Thomas Mathew Nellimoottil appeared for the respondents. Learned counsel for the applicants submitted that the 1st applicant has made Annexure A-4 representation to the 3rd respondent on 13.11.2004 and 2nd applicant has also made a similar representation to the 3rd respondent on 18.11.2004 (Annexure A-5) which has not been disposed of so far. He further submitted that he will be satisfied if a direction is given to the 3rd respondent to consider and dispose of the said representations within a time frame. Learned counsel for the respondents submitted that he has no objection in adopting such a course of action.

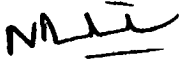
3. In the light of what is stated above and in the interest of justice, the application is disposed of directing the 3rd respondent to consider and dispose of the said representation of the applicants in accordance with the



.3.

rules, rulings and instructions on the subject and pass appropriate orders within a time frame of six weeks from the date of receipt of a copy of this order. O.A is disposed of accordingly. In the circumstances, no order as to costs.

(Dated the 10th day of June 2005)



N.RAMAKRISHNAN
ADMINISTRATIVE MEMBER



K.V.SACHIDANANDAN
JUDICIAL MEMBER

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