

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No. 310 of 2002

Monday, this the 4th day of October, 2004

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN  
HON'BLE MR. H.P. DAS, ADMINISTRATIVE MEMBER

1. R. Rejini, W/o P.Dharmadasan,  
Office Superintendent Gr.II, Office of the  
Senior Divisional Personnel Officer,  
Southern Railway, Trivandrum  
Residing at: "Punardham", No.TC 17/2450/23,  
Jagathi, Trivandrum - 695 014 ....Applicant

[By Advocate Shri T.C. Govindaswamy]

Versus

1. Union of India represented by the  
Secretary to the Government of India,  
Ministry of Railways, New Delhi.
2. The General Manager,  
Southern Railway, Headquarters Office,  
Park Town PO, Chennai-3
3. The Chief Personnel Officer,  
Southern Railway, Headquarters Office,  
Park Town PO, Chennai-3
4. The Divisional Railway Manager,  
Southern Railway, Trivandrum Division,  
Trivandrum-14
5. The Senior Divisional Personnel Officer,  
Southern Railway, Trivandrum Division,  
Trivandrum-14
6. Smt. D. Nirmala,  
Office Superintendent Gr.I, Office of the  
Senior Divisional Personnel Officer,  
Southern Railway, Trivandrum. ....Respondents

[By Advocate Smt. Sumathi Dandapani (R1 to R5)]  
[By Advocate Shri T.A. Rajan (R6)]

The application having been heard on 4-10-2004, the  
Tribunal on the same day delivered the following:

ORDER

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant, an Office Superintendent Gr.II in the  
scale of pay of Rs.5500-9000 in the Office of the Senior  
Divisional Personnel Officer, Southern Railway, Trivandrum,

finding that by Annexure A1 order dated 16-10-2001 the 6th respondent, although her senior but belonging to General category, had been promoted to the post of Office Superintendent Gr.I while, according to the applicant, she should have been given that promotion on roster point, has filed this application seeking to set aside the orders Annexure A1 as also Annexure A2, the order by which her representation was disposed of, declaring that the applicant is entitled to be considered for promotion against the vacancy against which the 6th respondent was promoted and for a direction to the respondents to grant the applicant consequential benefits.

2. The official respondents as also the 6th respondent have filed detailed reply statements seeking to justify the promotion of the 6th respondent. Further, the 6th respondent has produced a copy of the order dated 10-9-2004 (Annexure R6[2]) by which the applicant has since been promoted as Office Superintendent Gr.I and retained in the same office. Learned counsel of the applicant submitted that in view of the promotion given to the applicant and retention in the same station, the application may now be disposed of without going into the rival contentions of the parties permitting the applicant to take up the matter regarding seniority with the 2nd respondent by making appropriate representation in that regard.

3. As the counsel of the respondents have no objection in disposing of the application accordingly, the Original Application is disposed of taking note of the fact that the applicant has since been promoted as Office Superintendent Gr.I and leaving it open to the applicant to make representation to the 2nd respondent in regard to the seniority. We expect that

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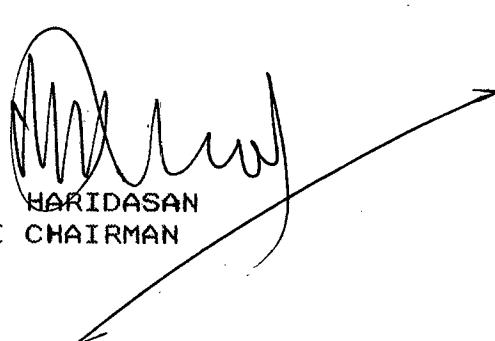
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if a representation is made by the applicant, the 2nd respondent would consider the same and give the applicant an appropriate reply. No order as to costs.

Monday, this the 4th day of October, 2004

H.P.Das

H.P. DAS  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN

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