

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 313 of 1993

DATE OF DECISION 24-2-1993

Mr N Sherafudeen _____ Applicant (s)

M/s P Sivan Pillai & _____ Advocate for the Applicant (s)
TCG Swamy
Versus

Divisional Personnel Officer, Respondent (s)
Southern Railway, Trivandrum & 2 others

Mr Thomas Mathew Nellimoottil Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. SP MUKERJI, VICE CHAIRMAN
&

The Hon'ble Mr. AV HARIDASAN, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Y*
2. To be referred to the Reporter or not ? *NO*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *NO*
4. To be circulated to all Benches of the Tribunal ? *NO*

JUDGEMENT

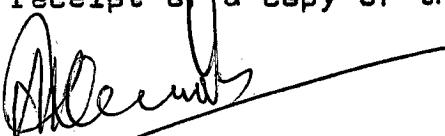
AV Haridasan, J.M.

The applicant, an Assistant Station Master while working at Palghat Division of the Southern Railway had applied for a transfer to Trivandrum Division. Since during the pendency of the request for transfer, the applicant and other similarly situated persons were promoted to a still higher grade, the Railway authorities called upon them/whether they would be still willing to go to Trivandrum Division on transfer in the lower pay scale. The applicant expressed his willingness. But the transfer was not effected. In the meanwhile several Assistant Station Masters from Madurai Division who had registered their names for transfer to Trivandrum on a later date were transferred to

Trivandrum Division. Under these circumstances those Assistant Station Masters of Palghat Division who had registered their request for transfer to Trivandrum Division earlier approached this Tribunal in OA-956/90 and OA-160/91 praying that they should be given transfer ~~to xx xx xx xx xx xx~~ to Trivandrum Division and should be assigned seniority over those who had registered their names for transfer to Trivandrum later but was transferred earlier. These two applications were allowed by an order dated 21.4.1992 with the direction /to ~~or~~ transfer the applicants in both those cases to the existing vacancies also for the future vacancies of Assistant Station Masters in preference to all other modes of recruitment with benefit of seniority in the Trivandrum Division over respondents 4 to 12 in those cases who had been transferred from Madurai to Trivandrum Division earlier, had but/registered for transfer later than the applicants in those cases. Though the applicant before us was also identically situated as he was undergoing a training at Trichy, he could not join as an applicant in the abovesaid 2 O.As. However, pursuant to the judgement in the abovesaid 2 cases the Assistant Station Masters who were applicants in those cases were transferred to Trivandrum and their seniority was refixed by order dated 8.12.1992. In the meanwhile the applicants had already been transferred to Trivandrum. After joining at Trivandrum the applicant made a representation on 19/21.6.1992 requesting that he should be granted seniority in accordance with the judgement in OA-956/90 and O.A-160/91. This representation has not so far been disposed of. The applicant has not so far received any reply to this representation. It

is in these circumstances that the applicant has filed this application praying that the respondents may be directed to fix the seniority of the applicant in accordance with the principle laid down by this Tribunal in OA-956/90 and OA-160/91 with all consequential benefits.

2. When the application came up for admission the counsel on either side agreed that the application can be admitted and disposed of with appropriate direction in regard to the disposal of the representation at Annexure-A3, if it has not already been disposed of. Hence we admit the application and dispose it of with direction to the second respondent to consider and dispose of the representation made by the applicant on 19/21.6.1992 at Annexure-A3 in the light of the judgement in OA-956/90 and OA-160/91 and to extend to him the benefit of that judgement, if it is found that the applicant was also similarly situated as the applicants in those cases. In case the representation has already been disposed of since an order has not/been communicated to the applicant, we direct that the decision should be reconsidered in the light of the above directions. Disposal of the representation should be made within a period of two months from the date of receipt of a copy of this order. There is no order as to costs.


(AV MARIDASAN)
JUDICIAL MEMBER


24.2.93
(SP MUKERJI)
VICE CHAIRMAN

24-2-1993

trs