

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A No.348/08

Tuesday this the 6th day of October 2009

C O R A M :

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

G.Easwaran Namboodiri,
S/o.Govindan Namboodiri,
Station Master Gr.III,
Southern Railway, Sasthankottah.
Permanent Address : THE NEST,
Vadakkath Illam, Mavelikkara, Alleppey District.Applicant

(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, Madurai Division,
Madurai.
3. The Divisional Railway Manager,
Southern Railway, Trivandrum Division,
Trivandrum – 14.
4. Senior Divisional Personnel Officer,
Southern Railway, Trivandrum Division,
Trivandrum – 14.Respondents

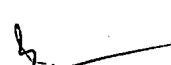
(By Advocate Mr.Thomas Mathew Nellimoottil)

This application having been heard on 6th October 2009 the Tribunal on the same day delivered the following :-

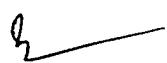
O R D E R

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

The applicant was initially appointed as an Assistant Station Master, Southern Railway, Madurai Division on 23.12.1985. The 2nd respondent vide Annexure A-1 letter dated 19.5.1997 asked for willingness of some of



the Assistant Station Masters to go over to Trivandrum Division against the direct recruitment quota vacancies on bottom seniority in the scale Rs.1200-2040. The applicant's name was registered for transfer to Trivandrum Division, Southern Railway, with effect from 15.9.1989. The applicant was one of the Station Masters who had expressed his willingness for inter divisional transfer to Trivandrum Division in terms of the aforesaid letter. Meanwhile, five Station Masters including the applicant and one Assistant Station Master were transferred on temporary basis to Trivandrum Division in the pay scale of Rs.1400-2300. Accordingly, the applicant joined the Trivandrum Division on 22.6.1997. The other persons in the said list were Shri.C.R.Gopinathan, Shri.C.Jayaraj, Shri.A.S.Natarajan and Shri.James.A.George. They have also joined the Trivandrum Division on different dates. Thereafter, the applicant along with other five persons approached this Tribunal vide O.A.281/99 seeking a declaration that they are entitled to be considered for transfer and appointment in the Trivandrum Division of Southern Railway in preference to persons who had registered for such inter divisional transfer and appointment later than them and a direction to the respondents to consider them for permanent transfer and appointment in the Trivandrum Divisional cadre of Station Masters forthwith, with the benefit of seniority from the date on which the juniors in the order of priority joined Trivandrum Division. The said O.A was disposed of, vide Annexure A-3 order dated 9.3.1999, with a direction to the applicants to submit a joint representation to the respondents for consideration of their request. Accordingly, they have made Annexure A-4 representation dated 12.3.1999. On the basis of the said representation and on the directions of this Tribunal in O.A.281/99 (supra), the respondents have issued Annexure A-5 letter dated 28.6.1999



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in which it has been stated that the applicants who were Assistant Station Masters in the Madurai Division were transferred to Trivandrum Division to meet the immediate requirements of Station Masters there subject to the condition that their regular transfer to Trivandrum Division will be in its turn as per the priority determined from the date of registration on reversion to the recruitment grade as ASM in scale Rs.4500-7000 to which grade they had registered their name for transfer from Madurai Division. Accordingly, while they were working in Trivandrum Division itself Shri.C.R.Gopinathan, Shri.C.Jayaraj, Shri.A.S.Natarajan and Shri.James.A.George who were the first four applicants in O.A.281/99 (supra) were regularly transferred on reversion to the recruitment grade as ASM as per orders issued by DRM/MDU on 10.6.1999. In the case of Shri.K.R.Chandra Mohan Pillai, the 5th applicant in O.A.281/99 and Shri.G.Eswaran Namboodiri, the 6th applicant (applicant in the present case) in the said O.A, the respondents have stated that they have not become due for transfer to Trivandrum Division as there are two prior registrants above them seeking transfer to Trivandrum Division and their case will be considered for transfer on regular basis in their turn after those who have registered for transfer prior to them are accommodated in Trivandrum Division depending on administrative exigencies. Later on, the applicant and Shri.K.R.Chandra Mohan Pillai were also transferred to Trivandrum Division with effect from 27.7.1999 vide Annexure A-6 Office Order dated 4.8.1999. However, Shri.C.R.Gopinathan, Shri.C.Jayaraj, Shri.A.S.Natarajan and Shri.James.A.George again approached this Tribunal vide O.A.92/05 against the order passed by the respondents on 20.3.2002 rejecting their claim for an early transfer and seniority at Trivandrum Division on the following grounds :-



- (a) Their initial transfer was on temporary basis and in the post of Station Master.
- (b) Prior to them, there were 30 individuals whose transfer was to be effected.
- (c) Those juniors who were transferred prior to the applicants did not belong to Madurai Division but other Divisions.
- (d) As per the provisions of para 312 of IREM seniority shall be only from the date of joining as Assistant Station Master in Trivandrum Division in the scale of Rs.1200-2040.

This Tribunal vide Annexure A-7 order dated 3.4.2007 allowed the O.A quashing and setting aside order dated 20.3.2002. It was also declared that the applicants' seniority shall reckon from the date they had joined the Madurai Division in pursuance of Annexure A-5 order dated 13.6.1997 (Annexure A-2 in this O.A) notwithstanding the fact that they were at that time posted in the grade of Rs.1400-2300. Consequently their seniority position in the grade of Assistant Station Master was to be revised and interpolated as per the respective dates of their joining in the year 1997. It was also ordered that if the seniority of any individual gets affected on account of this revision of seniority, the individuals shall be put to notice before effecting the revision. Consequently, the respondents have issued the Annexure A-9 letter dated 27.7.2007 proposing to revise the seniority after due notice to the affected persons.

2. The respondents in their reply statement have not disputed the factual position as submitted by the applicant. They have only stated that the Annexure A-9 letter dated 27.7.2007 proposing to revise the seniority of Assistant Station Masters in the scale of Rs. 1200-2040/4500-7000/- from June, 1997 placing the applicants in OA 92 of 2005 (supra) was issued in

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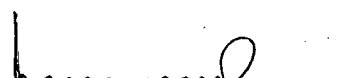
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accordance with the directions of this Tribunal in the said OA.

3. I have heard the learned counsel for the parties. Undisputedly, there is no difference between the cases of Shri.C.R.Gopinathan, Shri.C.Jayaraj, Shri.A.S.Natarajan and Shri.James.A.George who were the applicants in O.A.92/05 and the Applicant in this OA. They are all similarly placed persons. Therefore, there cannot be any discrimination in the matter of the applicant alone.

4. I, therefore, allow this O.A following the directions of the Co-ordinate Bench of this Tribunal in O.A.92/05 (supra). Consequently, the applicant's seniority as Assistant Station Master in Trivandrum Division shall be reckoned from the date he had joined the Trivandrum Division in terms of the Annexure A-2 letter dated 13.6.1997 notwithstanding the fact that he was at that time posted in the grade of Rs.1400-2300. Consequently, his seniority position in the grade of Assistant Station Master shall also be revised and interpolated as per the date of his joining in Trivandrum Division i.e. on 22.6.1997. If the seniority of any individual gets affected on account of the revision of seniority, the affected persons shall be put to notice as done by the respondents vide their Annexure A-9 letter dated 27.7.2007 pursuant to the order of this Tribunal in O.A.92/05 (supra). There shall be no order as to costs.

(Dated this the 6th day of October 2009)


GEORGE PARACKEN
JUDICIAL MEMBER

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