

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 360/2003

Tuesday this the 28th day of March, 2006

CORAM

HON'BLE MRS. SATHI NAIR, VICE CHAIRMAN
HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER

- 1 M.Govindasamy, aged 35 years
S/o N.Muthusamy,
Carriage & Wagon Khalasi Helper,
Office of the Senior Section Engineer (C&W)
Southern Railway, Erode,
Residing at No.538-G, Railway Colony
Erode.
- 2 C..Duraisamy, aged 36 years
S/o Chinna Chennimalai,
Carriage & Wagon Khalasi Helper,
Office of the Senior Section Engineer (C&W)
Southern Railway, Mettupalayam,
Residing at No.41A, Railway Colony,
Mettupalayam.Applicants

(By Advocate Mr.TC Govindaswamy/Ms.Heera D)

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- 1 Union of India,represented by the
General Manager, Southern Railway,
Headquarters Office, Park Town PO
Chennai.3.
- 2 The Chief Personnel Officer,
Southern Railway, Headquarters Office.,
Park Town PO,Chennai.3.
- 3 The Divisional railway manager,
Southern Railway, Palghat Division,
Palghat.

4 The senior Divisional Personnel Officer,
Southern Railway,
Palghat Division,
Palghat. Respondents

(By Advocate Mr. Varghese John proxy counsel for Mr.Thomas Mathew Nellimootil)

The application having been heard on 28th March, 2006 the Tribunal on the same day delivered the following:

ORDER

HON'BLE MRS. SATHI NAIR, VICE CHAIRMAN

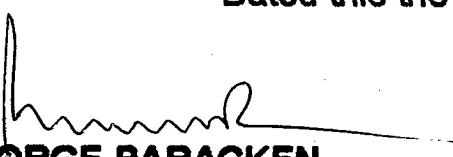
This application has been filed by the Carriage and Wagon Khalasi Helpers of Southern Railway challenging their position in the provisional Seniority List and seeking a direction for finalization of the seniority list after taking into account their representations. The provisional Seniority List was issued as Annexure A.3 dated 25.4.2000 calling for objections within three months. The applicants herein submitted their representations as Annexures A4(a) and A4(b) for rectifying the mistakes in the Seniority List. It is their case that their representations have not been considered so far and no Seniority List has been finalized but in the meantime promotions had been given to their juniors.

2 The respondents have filed a reply statement stating that the seniority of C&W Khalasi Helpers was finalized in the year 1993 and later on 9.8.96 also and that the Annexure A3 Seniority List published on 25.4.2000 is the final Seniority List which requires no revision. The respondents have also contended that they have not received

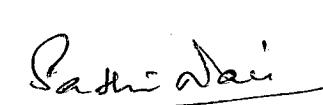
the representations of the applicants before the finalization of the seniority List.

3 When the matter came up for hearing today, learned counsel for the applicants produced before us a copy of the judgment in OA761/2002 filed by similarly placed persons who were also Carriage and Wagon Khalasi Helpers challenging the same provisional Seniority List. This application was disposed of directing the respondents to consider the representations submitted by the applicants against the Annexure.A.3 Seniority List. The respondents do not seem to have taken any action in the matter. The same situation prevails in this case also. Hence on the same lines a direction is issued in this case to the respondents to dispose of the representations of the Applicants {{Annexure.A4(a) and A4(b)}} and to finalize the Seniority list within a period of three months from the date of receipt of a copy of this order. In view of the statement made by the respondents that they have not received the representations of the applicants, the copies of representations available in the OA may be taken as the representations of the applicants. No costs.

Dated this the 28th day of March, 2006


GEORGE PARACKEN
JUDICIAL MEMBER

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SATHI NAIR
VICE CHAIRMAN