

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.371/2002.

CORAM:

Monday this the 3rd day of June 2002.

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

S.Vijayan,
Sr.Technician/Signals,
Karunagappalli.

Applicant

(By Advocate S/Shri T.C.Govindaswamy, Martin G.Thottan and Mannatil Kumar)

Vs.

1. Union of India represented by the General Manager, Southern Railway, Headquarters Office, Park Town P.O., Chennai-3.
2. Divisional Railway Manager, Southern Railway, Trivandrum Division, Trivandrum.
3. Senior Divisional Personnel Officer, Southern Railway, Trivandrum Division, Trivandrum.

Respondents

(By Advocate Shri P.Haridas)

The application having been heard on 3rd June, 2002 the Tribunal on the same day delivered the following:

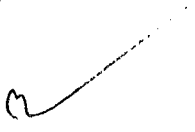
O R D E R

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

The applicant has filed this application impugning the order dated 30.4.2002(A4), which in fact is a show cause notice directing him to show cause as to why he should not be reverted in implementation of the directions contained in the order of the Tribunal in OA 643/99 revising the seniority of Shri Anoop and placing him over and above Shri Manichan. The applicant on the basis of the seniority list of Technicians Grade I as on 31.3.99 in which he was at Sl.No.6, Shri Manichan was at Sl.No.1 and Anoop was at Sl.No.36 was promoted to the post of Senior Technician by order dated 13.12.99 (A1). He has been continuing

in the promoted post ever thereafter. It is stated that on the basis of the order of the Tribunal in OA 643/99 to which the applicant was not a party. Shri Anoop's seniority was revised and he was placed at Sl.No.1 over and above Shri Manichan as on 1.4.02 in the Technician Grade I. It is on the basis of this order that the impugned show cause notice has been issued. The case of the applicant is that the applicant's name does not figure in the revised seniority list as he had already been promoted as a Senior Technician and for that reason his reversion is neither just nor proper and that the Senior Divisional Personnel Officer is incompetent to issue a show cause notice proposing to revert the applicant as the applicant belongs to Signal and Telecommunication Department and also that even if the Personnel Department can issue such notice, it should have been issued by an authority higher than the Senior Divisional Personnel Officer who promoted the applicant.

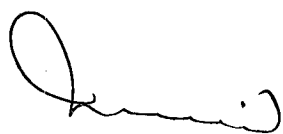
2. We have heard the learned counsel of the applicant Shri. TC Govindaswamy and Shri P Haridas learned counsel for the respondents. It is clear from the averments in the OA as also from Annexure A4, that the impugned show cause notice was issued to give the applicant an opportunity to show cause against the reversion as the alleged consequence of the revision of seniority of Shri Anoop in the grade of Technician. The contention of the applicant that Senior DPO does not have the competence to issue a show cause notice does not have any force at all because Senior DPO was the person who promoted the applicant and when a reversion is considered required on account of revision of seniority he is the competent authority to issue show cause



notice. Regarding the next contention of the applicant that the applicant was not a party to the OA and that his name did not occur in the revised seniority list of Technician Grade I. It is evident that the revision of seniority of Technicians Grade I has a direct impact on the promotion to the post of Technician Grade II, and for the purpose of giving effect to the directions contained in the order of the Tribunal, a show cause notice has got to be issued because the applicant not being a party to the OA-643/99, the principles of natural justice demand an opportunity to be given to him. The applicant has submitted his representation also. Now the third respondent would consider that representation and take an appropriate decision. We are, therefore, of the view that the applicant does not have a valid cause of action at this stage to invoke the jurisdiction of the Tribunal.

3. The application is, therefore, rejected under Section 19(3) of the Administrative Tribunals Act, 1985.

Dated the 3rd June, 2002.



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

A P P E N D I X

Applicant's Annexures:

1. A-1: A true copy of the office order No.52/99/S&T dated 16.12.99, issued by the 3rd respondent.
2. A-2: A true copy of the office order No.V/P.629/IX/Vol.II dated 4.2.88 issued by the 3rd respondent.
3. A-3: A true copy of the seniority list bearing No.V/P.612/IX/Col.5 dated 22.4.99 was published by the 3rd respondent.
4. A-4: A true copy of the letter bearing No.V/P.612/IX/Vol.1 dated 30.4.2002 issued by the 3rd respondent.
5. A-5: A true copy of the representation dated 22.5.2002 submitted by the applicant address to the 3rd respondent.
6. A-6: A true copy of the seniority list bearing No.V/P.612/IX/Vol.1 dated 2.4.02 issued by the 3rd respondent.

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11.6.02