

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No. 381 of 1995

Wednesday this the 17th day of July, 1996

CORAM

HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR. P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

P. Kumaran,
Pointsman 'A',
Railway Station,
Southern Railway, Podanur.
(residing at No.13A, Railway Quarters
Goodsshed Road, Podanur) Applicant

(By Advocate Mr. T.C. Govindaswamy)

Vs.

1. Union of India through the
Secretary, Ministry of Railways
Railbhavan, New Delhi.
2. The General Manager,
Southern Railway,
Headquarters Office, Park Town PO,
Madras.3.
3. The Chief Personnel Officer,
Southern Railway,
Headquarters Office,
Park Town PO, Madras.3.
4. The Senior Divisional Personnel
Officer, Southern Railway,
Palghat Division, Palghat.

(By Advocate Mr. James J Nedumpara for MJ Nedumpara)

The application having been heard on 17th July, 1996
the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant - a Pointsman 'A' challenges A2
Seniority List, revising A-1 Seniority List. Even at
this stage, we may notice that A2 is a Provisional

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Seniority List, yet to take a final shape.

2. Applicant commenced service as a Traffic Porter on 17.2.68, graduated into Pointsman 'B' on 1.3.79 and reached the still higher position of Pointsman 'A' on 5.3.82 (this date is disputed by respondents). Seniority in this category is governed by Rules 302 and 319 of Indian Railway Establishment Manual Vol.I, which visualises determination of seniority, by the date of entry into a grade, submits applicant. This principle has been abrogated by placing persons who entered the grade later than him, above him states applicant.

3. In answer to the submission, Railway counsel submits that this was occasioned due to the induction of another category of employees - namely Senior Gate Keepers - into the Seniority List. Counsel for Railways was unable to tell us at which point in the hierarchy, Senior Gate Keepers were introduced. He is not very clear as to the modality by which this has been done either. The reply statement would seem to suggest that a practical approach was adopted to obviate the hardships that resulted due to fortuitous reasons. The reply statement proceeds on the basis that those who were seniors to applicant, happened to be placed below him in the category of Pointsman 'A'. To test the validity of this argument, it is necessary to know

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at which point Senior Gate Keepers came in. If they came in into the category of Pointsman 'A', as some of the annexures suggest, there is no question of them being junior in some other category.

4. However, we do not propose to adjudicate on these matters finally, for two reasons. For one thing, counsel for Railways submits that the Railways would have a fresh look at the matter. For another thing, A2 by its very description is a provisional Seniority List, and not a final Seniority List. However it has been remaining provisional for a long time.

5. Consistent with the submission made by counsel for Railways, we direct respondents to examine the matter and decide:

- (a) at which point Senior Gate Keepers joined the category.
- (b) the principles upon which integration was made; and
- (c) the legal provisions invoked to vary the state of affairs ordained by Rules 302 and 319 aforementioned.

6. Though notice of this application was published in the newspapers and though no one appeared to contest the application, it will be necessary for the Railways to consider the claims of all the affected employees before finalising the Provisional Seniority List.

7. The effect of a Seniority List cannot be underplayed saying that it is provisional, and after

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acting on it for a long time. Respondent Railways will finalise the Seniority List within four months from today. The appointments/promotions made on the basis of a Provisional Seniority List, will naturally be provisional.

8. Original Application is allowed with costs which we fix at Rs.1000/- (Rupees one thousand).

Dated the 17th July, 1996.

P. V. Venkatakrishnan
P. V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

Chettur Sankaran Nair
CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

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LIST OF ANNEXURES

1. Annexure - A1: True copy of the Seniority List of Points Men 'A'/Cabin Man 'A' etc. bearing No:J/P 612/VIII/PM-A/LMI/GK 'A' dated 28.11.90.
2. Annexure - A2: True copy of the seniority list under Letter No.J/P 612/VIII/PMA/PMI/LMI/GKA. dated 1.6.91.

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