

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No.381/96

Thursday, this the 13th day of June, 1996.

C O R A M

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN  
HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

....

1. G Panneerselvam, Train Examiner,  
Southern Railway, Coimbatore.
2. K Sivasankaran, Train Examiner,  
Southern Railway, Shoranur.
3. M Palaniappan, Train Examiner,  
Southern Railway, Erode.

....Applicants

By Advocate Shri P Santhosh Kumar.

vs

1. Union of India represented by the  
General Manager, Southern Railway,  
Madras.
2. The Chief Personnel Officer,  
Southern Railway, Madras.
3. The Divisional Personnel Officer,  
Southern Railway, Palakkad.

....Respondents

The application having been heard on 11th June, 96, the  
Tribunal delivered the following on 13th June, 96:

O R D E R

PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Applicants were promoted as Amenity Chargemen in 1986-88. They contend that the posts of Amenity Chargeman and Train Examiner, both being in the same scale of pay, were merged by AI order dated 18.7.86. As a consequence, according to them, there should be a combined seniority list of Amenity Chargemen and Train Examiners, in which their position should reflect the date from which they were promoted as Amenity Chargemen.

contd.

2. Applicants had earlier approached the Tribunal in OA 1561/94 for the same relief and the Tribunal directed third respondent herein to consider the representation of the applicants. This was done and the impugned order A6 is the result.

3. Third respondent has stated in the impugned order A6 dated 22.3.95 that in accordance with the instructions of the second respondent in his letter dated 8.12.89, the seniority of the Amenity Chargeman who is absorbed as a Train Examiner has been fixed with reference to the date on which he is so absorbed after successfully completing the training prescribed. The merger of the two cadres was in 1991 after the promotion of the applicants, while the restructuring was done on 1.5.84 much before the promotion of the applicants, state respondents.

4. Applicants rely on A1 order for staking their claim. But A1 order only says that the posts of Amenity Chargeman has been merged with the category of Train Examiners for the "purpose of application of 1.5.1984 restructuring orders". It does not mention anything about the seniority after such merger. The restructuring orders of 1.5.84 have not been produced. Even the A3 order which applicants cite as proof that a combined seniority was being followed in Trichy Division shows no evidence of a combined seniority but only shows creation of posts in a higher scale in the category of Amenity Chargeman as distinct from Head Train Examiner and the posts in the categories of Train Examiner and Amenity Chargeman are shown separately. Applicants have not challenged the letter dated 8.12.89 based on which the impugned orders have been passed nor have they produced the orders promoting them as Train Examiners.

5. Under these circumstances, the prayer of the applicants to

contd.

quash A6 cannot be granted. The application is dismissed. No costs.

Dated the 13th June, 1996.

*PV Venkatakrishnan*  
PV VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

*Chettur Sankaran Nair*  
CHETTUR SANKARAN NAIR (J)  
VICE CHAIRMAN

psl2

LIST OF ANNEXURES

1. Annexure A1: True copy of the order No.(P) 35/IV/UPG/Vol.I dated 18.7.1986 of the 1st respondent.
2. Annexure A3: True copy of the order No.P1/Mechl./88/88 dated 30.9.1988 of the Divisional Mechanical Engineer, Southern Railway, Thiruchirappally.
3. Annexure A6: True copy of the order No.J/P CAT 1561/94 dated 22.3.1995 of the 3rd respondent to the applicants.

.....