

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/01098/2016

Original Application No.180/00062/2017

Thursday, this the 17th day of May, 2018

CORAM:

Hon'ble Mr. U. Sarathchandran, Judicial Member

Hon'ble Mr. E.K. Bharat Bhushan, Administrative Member

Original Application No.180/01098/2016

- 1 Rakesh R. Nair,
Aged 40 years, S/o. K. Radhakrishnan Nair,
Senior Assistant Loco Pilot,
SSE C & W Office,
Southern Railway, Palakkad Division,
Calicut – 673 001,
Residing at 'Gulmohar', Manayathu Paramba,
Kayyunnimmal Thazham, Kakkodi,
Calicut – 678 311.
- 2 K.V. Bibin,
Aged 39 years, S/o. K.V. Sudhakaran,
Senior Assistant Loco Pilot, SSE C & W Office,
Southern Railway, Palakkad Division,
Calicut – 673 001,
Residing at: 'Punchiri'
Peace Garden, Karaparamba Post,
Kozhikode – 673 010.
- 3 Suresh Kunnathu Veetil,
Aged 42 years, S/o. Kunhiraman,
Senior Assistant Loco Pilot, SSE C & W Office,
Southern Railway, Palakkad Division,
Calicut – 673 001,
Residing at Bangakunnil House,
Chuzhali P.O., Kannur District, Pin – 670 631.
- 4 Aneesh V.P.,
Aged 43 years, S/o. V.P. Veerab,
Senior Assistant Loco Pilot,
J/M 5883, Calicut Depot, Southern Railway,
Palakkad Division, Calicut – 673 001,
Residing at Vallathumparambil House,
Post Chaliyam, Calicut – 673 301.

- 5 Jisho C. Vareed,
Aged 37 years, S/o. Vareed C.R.,
L.P. Shunter, J/M 5944, Chief Crew Controller's Office,
Calicut Depot, Southern Railway, Palakkad Division,
Residing at Chirayath House, Mannuthy, Pattalakunnu – 680 651,
Thrissur District.
 - 6 V. Girish Kumar,
Aged 42 years, S/o. N. Viswanathan Pillai,
Senior Assistant Loco Pilot,
J/M 5956, SSE C&W Office, Southern Railway,
Palakkad Division, Calicut – 673 001,
Residing at Girija Bhavanam,
Iverkala (W.W.), Puthanambalam P.O.,
Kollam District – 691 552.
- **Applicants**

(By Advocate – Mr. Elvin Peter P.J. & Mr. Ganesh K.R.)

V e r s u s

- 1 Union of India, represented by its Secretary,
Ministry of Railways, New Delhi – 110 001.
 - 2 Union of India, represented by its Secretary,
Ministry of Personnel, Public Grievances & Pensions,
Department of Personnel & Training, North Block,
New Delhi – 110 001.
 - 3 The General Manager,
Southern Railway, Chennai – 600 003.
 - 4 The Chief Personnel Manager,
Southern Railway, Chennai – 600 003.
 - 5 The Divisional Railway Manager,
Southern Railway, Palakkad Division, Olavakkode,
Palakkad – 2.
 - 6 C.A. Rajesh,
Loco Pilot (Goods),
Senior Section Engineer Carriage & Wagon Office,
Southern Railway, Palakkad Division.
- **Respondents**

**(By Advocate – Mrs. Girija K. Gopal (R1, R3 to R5))
Mr. C.P. Ravikumar, ACGSC (R2))**

Original Application No.180/00062/2017

- 1 K.K. Haridasan,
Aged 53 years, S/o. Late Kandanunni,

Junior Accounts Assistant,
 Senior Divisional Finance Manager's Office,
 Southern Railway, Palakkad – 678 009,
 Residing at 'Sree Durga', Paittainkunnu, Dhoni P.O.,
 Palakkad Divisional Secretary,
 All India Other Backward Classes Railway Employees Association,
 Palakkad Division, Palakkad.

2 R. Kannadasan,
 Aged 42 years, S/o. Late A. Raman,
 AC Coach Attendant,
 Office of the Senior Section Engineer,
 Electrical/AC, Palakkad Division,
 Southern Railway, Palakkad – 2,
 Residing at Adichira House, Karippode P.O.,
 Palakkad – 678 503.

3 P. Mahesh,
 Aged 41 years, S/o. P. Kumaran,
 AC Coach Attendant,
 Office of the Senior Section Engineer,
 Electrical/AC, Palakkad Division,
 Southern Railway, Palakkad – 2,
 Punchakara House, Kankol P.O.,
 Payyannur – 670 337, Kannur District.

4 S. Thirvikraman,
 Aged 52 years, S/o. Late V. Sivaramadas,
 AC Mechanic-II,
 Office of the Senior Section Engineer,
 Electrical/AC, Palakkad Division,
 Southern Railway, Palakkad – 2,
 Palakkizh Madam, Mundur P.O.,
 Palakkad – 678 592.

5 V.T. Dominic,
 Aged 47 years, S/o. V.J. Thomas,
 AC Mechanic-I,
 Office of the Senior Section Engineer,
 Electrical/AC, Palakkad Division,
 Southern Railway, Palakkad – 2,
 Residing at Vadakkekara House,
 Muzhakkunnu P.O., Peravoor (Via),
 Kannur – 670 673.

6 P.S. Yusuf Saleem,
 Aged 49 years, S/o. Late P.M. Sulaiman,
 AC Coach Attendant,
 Office of the Senior Section Engineer,

Electrical/AC, Palakkad Division,
Southern Railway, Palakkad – 2,
Residing at Parakkal House, Vallikkode P.O.,
Palakkad – 678 954.

- 7 P.B. Sasikaladharan,
Aged 53 years, S/o. Late P.K. Balakrishnan,
AC Mechanic-III,
Office of the Senior Section Engineer,
Electrical/AC, Palakkad Division,
Southern Railway, Palakkad – 2,
Residing at Pulikunnthu House,
Near Attani, Minaloor P.O.,
Thrissur – 680 581.
- 8 M.K. Sreelal,
Aged 29 years, S/o. Late K. Ravindran,
Technician Gr. II,
Office of the Senior Section Engineer,
Electrical/AC, Palakkad Division,
Southern Railway, Palakkad – 2,
Navami (Kunnummal), Koyyode P.O.,
Kannur – 670 621.
- 9 N. Ravindranathan,
Aged 57 years, S/o. P. Viswanathan Nair,
AC Mechanic-I,
Office of the Senior Section Engineer,
Electrical/AC, Palakkad Division,
Southern Railway, Palakkad – 2,
Residing at Sree Chithra,
Manju Shetty Compound, Attavara,
Mangalore – 575 001.
- 10 D. Jayakumar,
Aged 57 years, S/o. N. Devadasan,
AC Mechanic-II,
Office of the Senior Section Engineer,
Electrical/AC, Palakkad Division,
Southern Railway, Palakkad – 2,
Residing at 2/B-KENT Appartment,
Telecom Road, Pandeswar,
Mangalore – 1.
- 11 V. Sameesh,
Aged 27 years, S/o. Late Vasu,
AC Coach Attendant,
Office of the Senior Section Engineer,
Electrical/AC, Palakkad Division,

Southern Railway, Palakkad – 2,
Residing at Chennampara House,
Edathara P.O., Palakkad – 678 611.

- 12 O.K. Dineshbabu,
Aged 50 years, S/o. Late Kunchiraman,
AC Coach Attendant,
Residing at Chathoth House,
Pathiyarakkara (PO), Vadakara,
Kozhikode – 673 101.
- 13 T. Krishnadas,
Aged 56 years, S/o. Kumaran Nair,
AC Mechanic-I,
Office of the Senior Section Engineer,
Electrical/AC, Palakkad Division,
Southern Railway, Palakkad – 2,
Residing at Remya Nivas,
Kallekulangara, Palakkad – 9.
- 14 T.V. Gopinathan,
Aged 56 years, S/o. V. Velu Nair,
AC Coach Attendant,
Office of the Senior Section Engineer,
Electrical/AC, Palakkad Division,
Southern Railway, Palakkad – 2,
Residing at Thekkeveluthedath House,
Karukaputhoor, Chezhiyttiri P.O.,
Palakkad – 679 535.
- 15 K. Shyjeshkumar,
Aged 36 years, S/o. T. Raveendran,
AC Coach Attendant,
Office of the Senior Section Engineer,
Electrical/AC, Palakkad Division,
Southern Railway, Palakkad – 2,
Residing at Namath, Kokkodu House,
Erauladi P.O., Kannur – 670 107.
- 16 R. Ravikumar,
55 years, S/o. Late Ramachandran Nair,
AC Mechanic-II,
Office of the Senior Section Engineer,
Electrical/AC, Palakkad Division,
Southern Railway, Palakkad – 2,
Residing at Jothi Nivas,
NSS Engineering College P.O.,
Akathethara P.O., Palakkad – 678 008.

- 17 P.R. Vijayan,
Aged 53 years, S/o. N. Raghavan,
AC Mechanic-III,
Office of the Senior Section Engineer,
Electrical/AC, Palakkad Division,
Southern Railway, Palakkad – 2,
Residing at Parakkal House, Thenur P.O.,
Palakkad – 678 616.
- 18 C.C.Suresh Babu,
Aged 58 years, S/o. Late C. Chellan,
AC Mechanic-III,
Office of the Senior Section Engineer,
Electrical/AC, Palakkad Division,
Southern Railway, Palakkad – 2,
Residing at Chathmkandath House,
Mankara P.O., Palakkad – 678 613.
- 19 M. Mohandas,
Aged 55 years, S/o. Late M.K. Kelappan,
AC Mechanic-I,
Office of the Senior Section Engineer,
Electrical/AC, Palakkad Division,
Southern Railway, Palakkad – 2,
Residing at Saketham, Iringal P.O.,
Kuttakkal, Badagara, Pin – 673 521.
- 20 K.K. KunhIRaman,
56 years, S/o. Kannan Nambyar,
AC Mechanic-III,
Office of the Senior Section Engineer,
Electrical/AC, Palakkad Division,
Southern Railway, Palakkad – 2,
Residing at Near Vellora Vadakka Veedu,
Karamel, Annur P.O., Payyannur,
Kannur – 670 332.
- 21 B.K. Lenin,
Aged 39 years, S/o. Late T. Balakrishnan,
AC Coach Attendant,
Office of the Senior Section Engineer,
Electrical/AC, Palakkad Division,
Southern Railway, Palakkad – 2,
Residing at Balan Nilayam,
Kappad P.O., Kannur – 670 006.
- 22 M. Sujasekharan,
Aged 56 years, S/o. Bharathan,
AC Mechanic I,

Office of the Senior Section Engineer,
Electrical/AC, Palakkad Division,
Southern Railway, Palakkad – 2,
Residing at Maviladath House, Vengali,
Elathur, Kozhikode – 673 303.

- 23 Joby Amal Raj,
Aged 40 years, S/o. A. Joseph,
AC Mechanic-I,
Office of the Senior Section Engineer,
Electrical/AC, Palakkad Division,
Southern Railway, Palakkad – 2,
Residing at Aliparambil House,
Azhikode P.O., Kannur – 670 009.
- 24 K. Premarajan,
Aged 41 years, S/o. K. Bhaskaran,
AC Coach Attendant,
Office of the Senior Section Engineer,
Electrical/AC, Palakkad Division,
Southern Railway, Palakkad – 2,
Residing at Kaipollil House,
Tirurangadi P.O., Malappuram.
- 25 O.K. Sreejith,
Aged 36 years, S/o. Late O.K. Narayanan,
AC Coach Attendant,
Office of the Senior Section Engineer,
Electrical/AC, Palakkad Division,
Southern Railway, Palakkad – 2,
Residing at Ottukulithil House,
Iringal P.O., Vadakara P.O.,
Kozhikode – 673 521.
- 26 S. Somasundararaj,
Aged 54 years, S/o. (Late) P.V. Subramanian,
AC Mechanic-II,
Office of the Senior Section Engineer,
Electrical/AC, Palakkad Division,
Southern Railway, Palakkad – 2,
Residing at Kuttanassery Street,
Kuttanassery P.O., Thiruvazhiyode (via),
Palakkad – 679 514.
- 27 K. Yoosaf,
Aged years, S/o. Late Shahul Hameed,
AC Coach Attendant,
Office of the Senior Section Engineer,
Electrical/AC, Palakkad Division,

Southern Railway, Palakkad – 2,
Residing at Parathichal House,
Uthanoor P.O., Kasaragod – 671 349.

- 28 P. Chandran,
Aged 58 years, S/o. Late P. Sankaran,
AC Coach Attendant,
Office of the Senior Section Engineer,
Electrical/AC, Palakkad Division,
Southern Railway, Palakkad – 2,
Residing at Payyanakuzhi House,
Kanayam P.O., Shornur – 679 122.
- 29 K.B. Haridasan,
Aged 53 years, S/o. Late K.K. Balan,
AC Mechanic-III,
Office of the Senior Section Engineer,
Electrical/AC, Palakkad Division,
Southern Railway, Palakkad – 2,
Residing at Five Star Appartment,
Dhoomappa Compound, Pandeswar, Mangalore- 1.
- 30 V.K. Kishorkumar,
Aged 56 years, S/o. V.K. Gopalan,
AC Mechanic – II,
Office of the Senior Section Engineer,
Electrical/AC, Palakkad Division,
Southern Railway, Palakkad – 2,
Residing at Thekkemadom House, Konot P.O.,
Calicut – 673 571.

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Applicants

(By Advocate – Mr. Elvin Peter P.J.)

V e r s u s

- 1 Union of India, represented by its Secretary,
Ministry of Railways, New Delhi – 110 001.
- 2 Union of India, represented by its Secretary,
Ministry of Personnel, Public Grievances & Pensions,
Department of Personnel and Training, North Block,
New Delhi – 110 001.
- 3 State of Kerala, represented by Chief Secretary,
Secretariat, Thiruvananthapuram – 695 001.
- 4 The General Manager,
Southern Railway, Chennai – 600 003.

- 5 The Divisional Railway Manager (P),
Southern Railway, Palakkad Division,
Palakkad – 678 002.
- 6 Shri. K. Prasad,
AC Technician Gr. I,
Office of the Senior Section Engineer,
Electrical/AC, Southern Railway,
Palakkad Division, Southern Railway,
Palakkad – 2.
- 7 M.L. Rajeev,
AC Khalasi,
Office of the Senior Section Engineer,
Electrical/AC, Southern Railway,
Palakkad Division, Southern Railway,
Palakkad – 2.

..... Respondents

**(By Advocate – Mrs. Girija K. Gopal (R1, R4 & R5))
Mr. K.C. Muraleedharan (R2))
Mr. M. Rajeev, GP (R3))**

This Original Applications having been heard on 17.05.2018, the Tribunal on the same day delivered the following:

O R D E R (Oral)

***Per:* U. Sarathchandran, Judicial Member**

None present on the side of the applicants. Applicants' names were called. Absent. Therefore, the O.A is dismissed for non-prosecution in terms of the Rule 15(1) of the Central Administrative Tribunal (Procedure) Rules, 1987. No costs.

**(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER**

**(U.SARATHCHANDRAN)
JUDICIAL MEMBER**

Original Application No.180/01098/2016**List of Annexures of the Applicants**

- | | | |
|---------------|---|--|
| Annexure A-1 | - | True copy of Order dated 06.01.2003 appointing the 1 st applicant as Assistant Loco Pilot. |
| Annexure A-2 | - | True copy of order dated 17.10.2002 appointing the 2 nd applicant as Assistant Loco Pilot. |
| Annexure A-3 | - | True copy of the Order dated 24.10.2001 appointing Applicants 3, 5 and 6 as Assistant Loco Pilots. |
| Annexure A-4 | - | True copy of the order dated 06.08.2001 appointing the 4 th applicant as Assistant Loco Pilot. |
| Annexure A-5 | - | True copy of the select list dated 22.10.2016 published by the respondents. |
| Annexure A-6 | - | True copy of the order dated 03.03.2016 issued by the 5 th respondent. |
| Annexure A-7 | - | True copy of the judgment dated 07.08.2012 in Civil Writ Petition No. 17280/2011 of the Hon'ble Supreme Court. |
| Annexure A-8 | - | True copy of the judgment dated 18.09.2009 in Writ Petition Civil No. 2628/2008 of the Hon'ble High Court of Himachal Pradesh. |
| Annexure A-9 | - | True copy of the application submitted by Smt. Preetha S.D. before the Central Public Information Officer, Railway Board. |
| Annexure A-10 | - | True copy of the reply dated 03.04.2013 issued by the Information Officer to Annexure A9 application. |
| Annexure A-11 | - | True copy of the order dated 13.8.97 issued by the 2 nd respondent. |
| Annexure A-12 | - | True copy of the order dated 21.1.2002 issued by the 2 nd respondent. |
| Annexure A-13 | - | True copy of the order dated 29.02.2008 issued by the 1 st respondent. |
| Annexure A-14 | - | True copy of the order dated 08.03.2012 issued by the 1 st respondent. |

- Annexure A-15 - True copy of RBE No. 66/2010 dated 30.04.2010 issued by the 2nd respondent.
- Annexure A-16 - True copy of the communication dated 21.10.2013 issued by the 2nd respondent.
- Annexure A-17 - True copy of the order dated 10.10.2013 issued by the 2nd respondent.
- Annexure A-18 - True copy of the judgment dated 23.11.2015 in O.P. (CAT) No. 84/2014 of the Hon'ble High Court of Kerala.

List of Annexures of the Respondents

- Annexure R-1 - True copy of letter No. J/P 608/V/PR/LP/Goods/ Vol. I, dated 22.02.2016.
- Annexure R-2 - True copy of interim order dated 03.04.2017 in OP (CAT) Nos. 97, 100 & 104/2017.

Original Application No.180/00062/2017

List of Annexures of the Applicants

- Annexure A-1 - True copy of Order No. 01/2016 (AC Wing Electrical) dated 21.07.2016 issued by the 5th respondent.
- Annexure A-2 - True copy of order 01/2016 (AC Wing Electrical) dated 21.03.2016 issued by the 5th respondent.
- Annexure A-3 - True copy of the Proceedings dated 16.02.2016 and seniority list published by the 5th respondent.
- Annexure A-4 - True copy of application dated 05.03.2013 submitted by one Shri. Shailesh N.P., Senior Commercial Clerk working in the Southern Railway, Palakkad Division under the Right to Information Act before the Information officer of the 2nd respondent.
- Annexure A-5 - True copy of reply dated 01.04.2013 issued by the 2nd respondent to Shri. Shailesh N.P.
- Annexure A-6 - True copy of application dated 26.07.2012

submitted by one Shri. Shailesh N.P., Senior Commercial Clerk working in the Southern Railway, Palakkad Division under the Right to Information Act before the Information Officer of the 1st respondent.

- Annexure A-7 - True copy of reply dated 24.01.2013 issued by the 1st respondent to Shri. Shailesh N.P.
- Annexure A-8 - True copy of the order dated 13.08.97 issued by the 2nd respondent.
- Annexure A-9 - True copy of the order dated 21.01.2002 issued by the 2nd respondent.
- Annexure A-10 - True copy of the order dated 29.02.2008 issued by the 1st respondent.
- Annexure A-11 - True copy of the order dated 08.03.2002 issued by the 1st respondent.
- Annexure A-12 - True copy of communication dated 21.10.2013 issued by the 2nd respondent.
- Annexure A-13 - True copy of the order dated 10.10.2013 issued by the 2nd respondent.
- Annexure A-14 - True copy of Order dated 15.11.2016 in O.A. No. 180/01121/2014 of this Hon'ble Tribunal.
- Annexure A-15 - True copy of order dated 05.12.2016 issued by the 5th respondent.

List of Annexures of the Respondents

- Annexure R-1 - True copy of interim order dated 03.04.2017 in OP (CAT) Nos. 97, 100 & 104/2017.
- Annexure R-2 - True copy of interim order dated 24.05.2017 in OP (CAT) Nos. 97, 100 & 104/2017.
