

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

MA/310/00473/2018 in & OA/310/01111/2018

Dated Monday the 20th day of August Two Thousand Eighteen

PRESENT

HON'BLE MR. P. MADHAVAN, Member (J)

&

HON'BLE MR. T. JACOB, Member (A)

- 1.Akbar Ali.A,
- 2.M.Joseph Johnson,
- 3.P.Balamurali,
- 4.R.Durai,
- 5.S.Navaneethakrishnan,
- 6.K.M.Pitchaikannan,
- 7.M.Mohemed Gori,
- 8.V.Nagarajan,
- 9.A.Suresh Rajasekaran,
- 10.C.Shanmuganathan,
- 11.D.Francis Xavier,
- 12.C.Arjunan,
- 13.S.John Britto,
- 14.P.Benjamin Sagayaraj,
- 15.S.Sakthivel.

....Applicants

By Advocate M/s. G. Palani

Vs

- 1.The Union of India rep by the General Manager,
Southern Railway,
Park Town, Chennai 3.

- 2.The Chief Personnel Officer,
Southern Railway,
Park Town, Chennai 3.

- 3.The Workshop Personnel Officer,
Central Workshops,
Southern Railway,
Ponmalai, Tiruchirapalli 4.

....Respondents

By Advocate Mr. P. Srinivasan

ORAL ORDER

(Pronounced by Hon'ble Mr. P. Madhavan, Member(J))

Heard. MA for joining the applicants together and filing a single application is allowed.

2. The applicants have filed this OA under section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs :

"i. To issue suitable directions or orders to the respondents to consider the applicants representation dated 15.02.2018 and take suitable action to review the year wise vacancy positions in the cadre of the Tech. Gr. III/ACM/TLS/GOC and promote the applicants retrospectively against the 50% quota vacancies as per their seniority and suitability.

ii. To grant all consequential service benefits including back wages and correct seniority above the direct recruitment candidates and further promotions."

3. Learned counsel for the applicants submits that the applicants are working under the respondents as Khalasis during 2006 and 2008 and thereafter they were posted as Helper/AC/TLS in the Pay Band Rs. 5200-20200/fitter grade pay Rs. 1800/-. The counsel for the applicants submit that as per para 187 IREM, 50% of the promotions to the post of Tech.Grade III/ACM/TLS/GOC has to be done by promotions. The respondents had now appointed 32 persons as Tech.Gr.III/ACM/TLS/GOC by direct recruitment. This was done by the respondents without conducting the Grade Test/suitable test for the skilled post for promotion from 2013 onwards. According to the counsel for the applicants, this has affected the applicants adversely and they had filed a representation on 15.02.2018 to review the year

wise vacancies available and pass an order.

4. Mr. P. Srinivasan takes notice for the respondents.

5. We find that the only relief sought in this OA is to direct the respondents to pass an order as per IREM regarding quota fixed for promotion and direct recruitment.

6. Learned counsel for the applicants seeks a direction to the respondents to consider and pass appropriate orders on the representation dated 15.02.2018 filed by the applicants within a time frame to be stipulated by this Tribunal. These applicants have a right to get the representation considered in a lawful and just manner.

7. Keeping in view the limited relief sought and without going into the merits of the case, we hereby direct the respondents to consider the representation dated 15.02.2018 of the applicants in all its legal aspects and as per IREM and pass a reasoned order supported with facts within a period of three months from the date of receipt of a copy of this order.

8. Accordingly, OA is disposed of at the admission stage itself with the above direction.

(T.Jacob)
Member(A)

(P. Madhavan)
Member(J)

20.08.2018

SKSI