

**Central Administrative Tribunal
Madras Bench**

MA 310/00353/2018 & OA 310/00895/2018

Dated Thursday the 12th day of July Two Thousand Eighteen

P R E S E N T

**Hon'ble Shri. R.Ramanujam, Member(A)
&
Hon'ble Shri. P. Madhavan, Member (J)**

R. Ramganesh
Assistant Loco Pilot
Madurai. .. Applicant

By Advocate **M/s. R. Pandian**

Vs.

1. Union of India rep. by
Southern Railway
Park Town, Chennai – 600 003.
2. The Chief Personnel Officer
Southern Railway
Park Town, Chennai 600 003.
3. The Divisional Personnel Officer
Southern Railway
Madurai Division
Madurai – 625 010.
4. The Divisional Personnel Officer
Southern Railway
Tiruchchirappalli Division
Tiruchchirappalli – 620 001. .. Respondents

By Advocate **Mr. P. Srinivasan**

ORAL ORDER

Pronounced by Hon'ble Mr.R.Ramanujam, Member(A)

Heard. MA 353/2018 filed for condoning delay of 232 days in filing the OA is allowed.

2. The applicant has filed this OA seeking the following reliefs:-

“To call for the records relating to the Inter-Divisional Railway One Way Request Transfer of the applicant from Tiruchchirappalli Division to Madurai Division of Southern Railway and the consequent fixation of seniority vide the impugned order in No. U/P.676/VI/Mechl.Rg. Dated 14.11.2016, to quash the impugned order and further:-

i. To direct the 3rd respondent to re-cast the seniority list of the cadre of Assistant Loco Pilots, by placing the applicant, whose Inter-Railway One Way Request Transfer was approved by the Competent Authority on 14.05.2015, above Mr. Mahendra Kumar Meena who joined the seniority unit on 19.11.2015 through Railway Recruitment Board, and

ii. To pass such other order/orders”

3. It is submitted that the applicant is aggrieved by Annexure A8 publication dated 14.11.2016 of a provisional seniority list of Assistant Loco Pilot in Level-2 in VII-PC as on 01.11.2016. The applicant made Annexure A9 representation dated 22.12.2016 in response thereto but no decision has been taken by the authorities in this regard. It is apprehended that the respondents would operate the provisional seniority list for the purpose of making promotions in which case some of the alleged juniors of the applicant would be promoted ahead of him. Accordingly, the applicant would be satisfied if the respondents are directed to

take a final decision on the issue of seniority within a time limit to be stipulated by this Tribunal.

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

5. On perusal of the impugned order, it is clear that provisional seniority list was published on 14.11.16 and representations thereagainst were sought within one month from the date of issue of the letter. Since it is submitted that the seniority list has not been finalized, it is for the respondents to finalise the seniority list after taking into account the representations received from the affected persons. Accordingly the respondents are directed to consider the matter and take a decision preferably within a period of three months from the date of receipt of copy of this order. In the meantime, no promotion may be made based on the provisional list.

6. OA is disposed of at the admission stage.

(P. Madhavan)
Member (J)

12.07.2018

(R.Ramanujam)
Member(A)

AS