

**Central Administrative Tribunal
Madras Bench**

OA/310/01167/2018

Dated Thursday the 30th day of August Two Thousand Eighteen

P R E S E N T
Hon'ble Mr. R.Ramanujam, Member(A)
&
Hon'ble Mr.P.Madhavan, Member(J)

S.Venkataraman,
Sr. Section Engineer/Works,
Construction/Chennai Egmore,
Gauge Conversion/TPJ,
Southern Railway. .. Applicant
By Advocate **M/s.Ratio Legis**

Vs.

1. Union of India, rep by
The General Manager,
Southern Railway,
Park Town, Chennai 600 003.
2. The Chief Personnel Officer,
Southern Railway,
Chennai 600 003.
3. Sri V.Thirumalaraao,
Sr. Section Engineer/W/CN/MS,
Egmore, S.Rly.,
Chennai.
4. Sri Y.E.Nagendran,
Sr. Section Engineer/P.Way,
Arakkonam,
Southern Railway.
5. N.Kumaresan,
Sr. Section Engineer/W/CN/MS,
Construction/Chennai Egmore,
Gauge Conversion/TPJ,

Southern Railway.

6. S.Jegannathan,
Sr. Section Engineer/P.Way,
Southern Railway, Chennai.
7. S.Ravichandran,
Sr. Section Engineer/W/CN/MS,
Construction/Chennai Egmore,
Gauge Conversion/TPJ,
Southern Railway.
8. P.Muralidharan,
Sr. Section Engineer/P.Way,
Palghat, Southern Railway.
9. R.Kannathasan,
Sr. Section Engineer/P.Way,
Salem, Southern Railway.
10. Muthukumar,
Sr. Section Engineer/P.Way,
Trivandrum, Southern Railway. .. Respondents

By Advocate **Mr.P.Srinivasan**

ORAL ORDER

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

Heard. The applicant has filed this OA seeking the following relief:-

“to call for the records related to the impugned order issued by the 3rd respondent vide letter No. of the order:No.P(G)532/I/Selection/Regular/70%(2016-2019) Vol.II dated 23.7.2018 and to quash the same and to include the applicant's name in the qualifiers list issued vide and further to direct the respondents to do the necessary to draw the panel accordingly and to pass such other/orders as this Tribunal may deem fit and proper and thus to render justice.”

2. Learned counsel for the applicant would submit that the applicant was aggrieved by the scheme of Reservation in matters of promotions because of which persons junior to him but belonging to reserved category had been granted promotions. The relevant OMs of the Government under which such promotion was authorised had been set aside by the Tribunal and higher courts. Accordingly, the promotions granted to the applicant's junior was illegal and, therefore, the OA is liable to be admitted and allowed, it is contended.

3. Mr.P.Srinivasan takes notice for the respondents and submits that the matter of reservation in promotion is subjudice before the Hon'ble Apex Court and a final decision would be taken by the authorities in terms of the law to be laid down by the Hon'ble Apex Court in the SLPs pending before it. The applicant would have a claim only if the scheme of reservation in promotion is finally held unconstitutional. Accordingly, the OA is premature as the respondents would not be able to take any decision as of now on the relief sought by the applicant.

4. Having heard both sides, we are of the view that this OA could be disposed of with the following direction to the respondents:-

“In the event of the Hon'ble Supreme Court passing an order favourable to persons similarly placed as the applicant in the pending SLPs, the competent authority shall review the impugned Annexure A8 order dated 23.7.2018 passed by the 3rd respondent and pass appropriate orders in line with the orders of the Hon'ble Apex Court.”

5. OA is disposed of with the above direction at the admission stage.

(P.Madhavan)
Member(J)

30.8.2018

(R.Ramanujam)
Member(A)

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