

**Central Administrative Tribunal  
Madras Bench**

**OA/310/00294/2017 & OA/310/00216/2018**

**Dated 30<sup>th</sup> April Two Thousand Nineteen**

**P R E S E N T**

**Hon'ble Mr. P.Madhavan, Member(J)  
&  
Hon'ble Mr.T.Jacob, Member(A)**

1. K.Nageswara Rao
2. S.Inbaraj
3. A.Sivalingam
4. S.Sivalingam .. Applicants in OA 294/2017
5. S.Balakrishnan
6. S.Delhi Babu
7. K.P.Harikrishnan
8. Perumal Prabhu .. Applicants in OA 216/2018

By Advocate **M/s.M.Gnanasekar, Mr.V.Vijay Shankar**

**Vs.**

1. Union of India rep by  
The Chairman,  
Railway Board, M/o Railways,  
Raisana Road, Rail Bhavan,  
New Delhi.
2. The General Manager,  
Southern Railway, Park Town,  
Chennai 600003.
3. The Chief Personnel Officer,  
Southern Railway, Park Town,  
Chennai 600003.
4. S.Balakrishnan,  
Chief Law Assistant,  
O/o Divisional Railway Manager,  
Personnel Branch, Chennai Division,  
Southern Railway, Park Town,  
Chennai 600003.

5. S.Delhi Babu,  
Chief Law Assistant,  
Law Branch, O/o The General Manager,  
Southern Railway, Park Town,  
Chennai 600003.
6. K.P.Harikrishnan,  
Chief Law Assistant,  
Construction, Ernakulam,  
O/o CAO/Construction/Ernakulam,  
Southern Railway, Ernakulam,  
Kerala.
7. Perumal Prabhu,  
Chief Law Assistant,  
Law Branch, O/o The General Manager,  
Southern Railway, Park Town,  
Chennai 600003.

.. Respondents in OA 294/2017

By Adovacte **Ms.R.Sathyabama(R1-3)**

8. Union of India rep by  
The Chairman,  
Railway Board, M/o Railways,  
Raisana Road, Rail Bhavan,  
New Delhi.
9. The General Manager,  
Southern Railway, Park Town,  
Chennai 600003.
10. The Chief Personnel Officer,  
Southern Railway, Park Town,  
Chennai 600003.
11. Nageswara Rao,  
Chief Law Assistant,  
ICF/Southern Railway,  
Chennai 600023.
12. S.Inbaraj  
Chief Law Assistant,  
Southern Railway,  
Chennai 600003.
13. A.Sivalingam,  
Chief Law Assistant,  
RRT/MAS, Southern Railway,  
Chennai 600003.
14. S.Sivalingam,

Chief Law Assistant,  
CCO/O/MAS, Southern Railway,  
Chennai 600003.

15. S.Sampathkumar,  
Retired Chief Law Assistant,  
No.6/44 C, Thiruvalluvar Street,  
Venkatraman Nagar, Korattur,  
Chennai 600080.

16. R.Kanchana Devi  
Retired Chief Law Assistant,  
No.5, 6<sup>th</sup> Street,  
TNHB, Korattur, Chennai 600080.

..Respondents in OA 216/2018

By Advocate **Mr.D.Hariprasad(R1-3), M/s.Ratio Legis(R11,15&16),**  
**M/s.M.Gnanasekar(R14 in OA 216/2018)**

**ORDER**

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

The above OAs were filed seeking the following relief:-

**OA 294/2017:**

“i. Set aside the (I) Order No.P(G)/532/XVI/ALO/Vol.II dated 18.10.2016 passed by 3<sup>rd</sup> respondent, (ii) Order No.E(GP)2005/2016 RBE No.136/2016 dated 21.11.2016, passed by 1<sup>st</sup> respondent, (iii) Order No.P(G)532/XVI/ALO/Vol.III dated 21.2.2017, passed by 3<sup>rd</sup> respondent and consequently direct the 3<sup>rd</sup> respondent to promote the applicants as Law Officers on the basis of the seniority with all consequential, monetary and other benefits

ii. Pass such further orders as are necessary to meet the ends of justice.

iii. Award costs and thus render justice”

**OA 216/2018:**

“....to call for the impugned circular E(GP)2005/2/26 dated 25.8.2017 of the 1<sup>st</sup> respondent and quash the same and consequently direct the respondents to complete the process of selection initiated vide notification dated 18.10.2016 to the post of Law Officer by calling the applicants for viva voce and complete the process of selection and pass any order(s) as deemed fit and proper in the circumstances of this case and thus render justice.”

2. Since the relief sought and the issues raised therein are of a similar nature, these OAs are taken up together and disposed of by this common order.

3. The applicants are working as Chief Law Assistant in the scale of pay of PB3 Rs.9300-34500 with grade pay of Rs.4800 with MACP benefits and they are eligible for promotion to the post of Law Officer in PB+3 i.e. 9300-34800 with grade pay of Rs.4800/- (scale No.8 of corresponding VII Pay Commission). Whileso, the 3<sup>rd</sup> respondent issued a notification dated 18.10.2016 proposing to conduct a selection for filling up the post of Law Officer. The grievance of the applicants is that the selection was conducted by following the revised guidelines contained in Railway Board letter dated 21.11.2016 which was issued subsequent to the notification dated 18.10.2016. The revised procedure for selection/for promotion to Group B post of Law Officer contained in Railway Board letter dated 21.11.2016 was a subject matter of challenge in the OA No.1526/2016 before the Allahabad Bench of this Tribunal which, by an order dated 21.12.2016 granted interim stay of the operation of the Railway Board order dated 21.11.2016. Hence this OA.

4. The Tribunal after hearing the counsel for the applicants and the counsel for the Railway Board allowed an interim stay of the operation of the Railway Board order dated 21.11.2016. Against the said order, the respondents filed a WP No.7209/2017 and Hon'ble High Court has set aside the order of interim stay and remitted the case for fresh disposal after filing the reply by the respondents. The respondents entered appearance and filed a detailed reply in this case.

5. The applicants in these case mainly rely upon the decision of co-ordinate Bench of this Tribunal in ***H.K.Tiwari, Chief Law Assistant , North Central Railway in OA 906/2006*** which was allowed by the Allahabad Bench. The said order was

challenged by the Railway before the Hon'ble Allahabad High Court in CMWP

No.48471/2007 and Hon'ble Allahabad High Court has dismissed the above WP on 03.10.2007. Thereafter the respondents have filed a SLP before the Hon'ble Apex Court and the Hon'ble Apex Court also dismissed the SLP and the decision of the Allahabad Bench of this Tribunal has become final.

6. On going through the pleadings of the respondents also it can be seen that they had also admitted the pendency of the SLP and they had also accepted that H.K.Tiwari's case has become final and the Railway Board has issued a Circular RBE 104/2017 dated 25.8.2017 directing to promote the senior most Chief Law Assistants to the post of Law Officer on the basis of seniority-cum-suitability. They also submitted that no appointments had taken place after the selection and they have no objection in cancelling the said list and also willing to conduct a fresh selection on the basis of the above decision and circular dated 25.8.2017.

7. We have carefully gone through the pleadings and it is seen that the law has become final in this regard and the decision of co-ordinate Bench in ***H.K.Tiwari, Chief Law Assistant , North Central Railway in OA 906/2006*** of the Allahabad Bench has attained finality. The Hon'ble High Court of Allahabad and the Hon'ble Apex Court has upheld the said order and the same has to be followed by this Tribunal also. The respondents had also considered this aspect and they had also issued a circular in compliance of the order as RBE 104/2017 and they are ready to comply with the same. Accordingly the OAs are disposed of as follows with no order

as to costs:-

“Accordingly we set aside the impugned order dated 21.11.2016 and the respondents

are directed to complete the selection procedure in accordance with law laid down by the Court in ***H.K.Tiwari's*** case.”

(T.Jacob)  
Member(A)

(P.Madhavan)  
Member(J)

30.04.2019

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