

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00564/2018

Dated Friday the 27th day of April Two Thousand Eighteen

PRESENT

HON'BLE MR. R. RAMANUJAM, Member (A)

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. Shri. V. Thirumalarao
Sr. Section Engineer/W/CN/MS/S.Rly
Egmore, Chennai.
4. Shri. 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
Chennai, Southern Railway.

7. S. Ravichandran
Sr. Section Engineer/W/CN/MS
Construction/Chennai Egmore
Gauge Conversion/PTJ
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 had filed this OA seeking the following reliefs:

“To call for the records related to the impugned order issued by the 3rd respondent vide Letter No. of the order:P(G)532/I/Selection/Regular/70%(2016-2019)Vol-II dated 22.03.2018 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 order/orders”

2. Learned counsel for the applicant submits that the applicant was aggrieved by the Annexure A4 impugned order of the 1st respondent dated 22.03.2018 by which the results of written examination and Viva which were held on 19.03.2018 and 20.03.2018 for promotion to Group B Service to the post of AXEN/ADEN were declared and certain names were included in the provisional panel. It is submitted that the applicant is a UR candidate and he was aggrieved by promotion of SC/ST candidates disproportionate to the quota available to them in alleged violation of the relevant Apex Court Judgment. Accordingly, the applicant seeks an interim relief of one post being kept vacant for his promotion till the disposal of this OA.

3. Mr. P. Srinivasan takes notice on behalf of the respondents.

4. On perusal, it is seen that in the impugned order, it has been

made abundantly clear that the panel is provisional and subject to the final outcome of main SLPs and Contempt Petition CP No. 314/2016 in SLP (C) No. 4381/2012 - Samtha Andolan Samiti through President Vs. Sanjay Kothari and Ors. Since the Hon'ble Supreme Court is already seized of the matter, it is not possible for the Tribunal to consider this matter on merits.

5. In view of the above, learned counsel for the applicant would submit that the applicant would be satisfied if he is permitted to make a detailed representation regarding his grievance to the Competent authority as the applicant had reason to believe that he was entitled to promotion to Group B Services even without reliance on the decision of the Hon'ble Apex Court in the M. Nagaraj case.

6. Keeping in view the limited prayer, the applicant is permitted to make a detailed representation to the Competent Authority within a period of two weeks from the date of receipt of a copy of this order. Upon receipt of such representation, the respondents may consider the same in accordance with law and pass a reasoned and speaking order within a period of six weeks thereafter.

7. OA is disposed of accordingly at the admission stage.

(R. Ramanujam)
Member(A)
27.04.2018

AS