

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A No. 180/00914/2017

Tuesday, this the 2nd day of July, 2019.

CORAM:

**HON'BLE Mr. E.K. BHARAT BHUSHAN, ADMINISTRATIVE MEMBER
HON'BLE Mr. ASHISH KALIA, JUDICIAL MEMBER**

1. Hansraj Meena, 41 years,
S/o. Ramsahai, Pointsman, Alappuzha,
Trivandrum Division, Southern Railway,
Residing at Railway Quarters – 5-E, Alappuzha.
2. Ravi Bushan Kumar, 40 years,
S/o. Krishnan Nandan Prasad, Pointsman, Alappuzha,
Trivandrum Division, Southern Railway,
Residing at Railway Quarters-5-G, Alappuzha. - Applicants

[By Advocate M/s. Varkey & Martin]

Versus

1. Union of India represented by General Manager,
Southern Railway, Chennai – 3.
2. Additional Divisional Railway Manager,
Southern Railway, Trivandrum – 695 014.
3. Senior Divisional Personnel Officer,
Southern Railway, Trivandrum – 695 014. - Respondents

[By Advocate : Mrs. Girija K. Gopal]

The application having been heard on 02.07.2019, the Tribunal on the same day delivered the following:

ORDER

Per: Ashish Kalia, Judicial Member

Heard the learned counsel for the applicant.

2. The relief sought for in the O.A are as follows:-

“a) Call for the records leading to the issue of Annexure A-2 and A-3 and quash the same to the extent it denies consideration to the applicants for the reason that they were in Level-2 pay matrix.

b) Declare that the applicants are eligible to be considered for selection to the Posts of Commercial Clerks and Ticket Examiner for which the selection process was initiated by Annexure A-2 and A-3 notifications and direct the respondents accordingly.

c) Grant such other relief, which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.”

3. During the course of the argument, learned counsel for Railways has raised objection that Annexure A-2 cannot be a subject matter of this O.A as the order in O.A No. 704/2017 already decided by this Tribunal against the applicants.

4. Learned Counsel for the applicant, Mr. Martin submits that the applicants are working as Pointsman in level-2 of Pay Matrix of Rs. 5200-20200 + GP 1900 in the operating department with respondent and seeking a limited relief against Annexure A-3 notification in which similar relief is prayed for and allowed by this Tribunal in O.A 778/2019 being similarly situated persons. In these cases, only departmental promotion quota in the category of Ticket Examiner in level-3 for the quota of 33 1/3% of departmental promotion is in question.

5. After considering the rival contentions, we are of the considered opinion that the judgment rendered in O.A 778/17 dated 09.04.2019 are of the same effect to the present case also. The relevant portion is extracted below:-

“15. In view of the above, we are of the opinion that the applicants as well as the party respondents both are eligible to appear in the examination for selection to the post of Ticket Examiner/Collector subject to written test conducted for the same. The conduct of the respondents by declaring one category of erstwhile Group-D post which is also having promotional avenues to level-I and level-II as eligible for selection to the post of Ticket Examiner is discriminatory vis-a-vis the level-II category employee.

16. The present O.A is having merits on its side. Resultantly the O.A is allowed by the Tribunal with direction to the respondents to consider the applicants who are in level-II post with GP of Rs. 1900/- along with those erstwhile Group-D employees of level-I in GP of Rs. 1800/- for the post of Ticket Examiner. This exercise shall be completed by the respondents within sixty days from the date of receipt of a copy of this order. The parties shall bear their costs.”

6. The O.A stands allowed to the extent as stated herein above. The applicant being Pointsman in level-2 in GP 1900/- also be considered eligible along with level-1 employees for the post of Ticket Examiner. This exercise shall be completed by the respondents within a period of sixty days from the date of receipt of a copy of this order. No order as to costs.

(Dated, 2nd July, 2019.)

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K. BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

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Applicants Annexures

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| Annexure A-1 | - | True copy of the office order No. T. No. 23/2017/Tfc. Gr.D dated 21.04.2017 issued by the third respondent. |
| Annexure A-2 | - | True copy of the letter No. V/P.608/III/CC/LDCE/Vol.III dated 30.06.2017 issued by the 3 rd respondent. |
| Annexure A-3 | - | True copy of the letter No. V/P531/III/TE/Vol. XII dated 22.08.2017 issued by the 3 rd respondent. |
| Annexure A-4 | - | True copy of the notification No. V/ P.608/ I/ JE/ P.Way/LDCE/Vol.I dated 05.07.2017 issued on behalf of the second respondent. |
| Annexure A-5 | - | True copy of the Railway Board order bearing No. 2013/TT-1/7/6/1 dated 21.01.2013. |
| Annexure A-6 | - | True copy of the OM No. AB-14017/612009-Estt. (RR) issued by the DoPT dated 30.04.2010. |

Annexures of Respondents

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| Annexure R-1 | - | True extract of paragraph 128 of the Indian Railway Establishment Manual. |
| Annexure R-2 | - | True extract of paragraph 189 of the Indian Railway Establishment Manual. |
| Annexure R-3 | - | True copy of Railway Board's letter No. E (NG)I-2010/PM1/22 dated 03.01.2014. |
