

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR.JUSTICE K.HARILAL**

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

OP (CAT).No. 2886 of 2012 (Z)

OA 466/2009 of CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH.

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PETITIONER(S):

- 1. UNION OF INDIA,
REPRESENTED BY THE CHAIRMAN, RAILWAY BOARD, NEW DELHI.**
- 2. THE GENERAL MANAGER ,
SOUTHERN RAILWAY, HEADQUARTERS OFFICE, CHENNAI.**
- 3. THE CHIEF PERSONNEL OFFICER ,
SOUTHERN RAILWAY, HEADQUARTERS OFFICE, CHENNAI.**
- 4. THE SENIOR DIVISIONAL PERSONNEL OFFICER
SOUTHERN RAILWAY, PALGHAT.**

**BY ADVS.SMT.SUMATHY DANDAPANI (SR.)
SRI.C.S.DIAS, SC, RAILWAYS**

RESPONDENT(S):

- 1. SMT.C.GIRIJA,W/O. P.V.VENUGOPAL,
OFFICE SUPERINTENDENT GRADE-I, PERSONNEL BRANCH,
SOUTHERN RAILWAY, PALAKKAD DIVISION,
RESIDING AT ASHTAPADI, VISHNU NAGAR,
PUDUPPARIYARAM, PALAKKAD-678 733.**
- 2. SRI.V.SRINIVASAN,
ASSISTANT PERSONNEL OFFICER,
OFFICE OF CHIEF ELECTRICAL WORKSHOP ENGINEER,
SOUTHERN RAILWAY, PERAMBUR-600 023.**
- 3. SRI.NAGAYASAMY,
ASSISTANT PERSONNEL OFFICER,
SOUTHERN RAILWAY, HEADQUARTERS OFFICE, CHENNAI-600 003.**
- 4. SRI. B.MURUGESAN,
ASSISTANT PERSONNEL OFFICER, SOUTHERN RAILWAY,
TRIVANDRUM, PRESENTLY RESIDING AT CHETTY STREET
PARAKKAI, NAGERCOIL-623 601.**

**5. SRI. M.RAMAN,
ASSISTANT PERSONNEL OFFICER,
OFFICE OF THE SENIOR DIVISIONAL PERSONNEL OFFICER,
SOUTHERN RAILWAY, CHENNAI-600 003.**

**6. SMT. MEENA BHASKER,
ASSISTANT PERSONNEL OFFICER,
OFFICE OF THE DIVISIONAL RAILWAY MANAGER,
SOUTHERN RAILWAY, CHENNAI-600 003.**

**R1 BY ADVS. SRI.M.A.SHAFIK
SRI.AMIT SHARMA**

**THIS OP (CAT) HAVING BEEN FINALLY HEARD ON 05-02-2015, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S) EXHIBITS :

- EXHIBIT-P1- TRUE COPY OF THE ORIGINAL APPLICATION FILED BY THE IST RESPONDENT ALONG WITH ANNEXURES BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH.
- EXHIBIT-P2- TRUE COPY OF M.A 557/09 IN O.A 466/09 ON THE FILE OF THE TRIBUNAL.
- EXHIBIT-P3- TRUE COPY OF THE REPLY STATEMENT ALONG WITH ANNEXURES FILED BY THE PETITIONERS HEREIN IN OCTOBER, 2009 ON THE FILES OF THE TRIBUNAL.
- EXHIBIT-P4- TRUE COPY OF THE REJOINDER ALONG WITH ANNEXURE FILED BY THE IST RESPONDENT ON THE FILES OF THE TRIBUNAL.
- EXHIBIT-P5- TRUE COPY OF REPLY STATEMENT TO THE REJOINDER IN O.A.466/09.
- EXHIBIT-P6- TRUE COPY OF THE ADDITIONAL REJOINDER FILED BY THE IST RESPONDENT IN O.A 466 OF 2009.
- EXHIBIT-P7- TRUE COPY OF THE REPLY STATEMENT FILED BY THE 6TH RESPONDENT IN O.A 466 OF 2009.
- EXHIBIT-P8- TRUE COPY OF ADDL. REPLY STATEMENT ALONG WITH ANNEXURES.
- EXHIBIT-P9- TRUE COPY OF THE AFFIDAVIT FILED BY THE DEPUTY CHIEF PERSONNEL OFFICER BEFORE THE TRIBUNAL.
- EXHIBIT-P10- TRUE COPY OF THE ADDITIONAL STATEMENT ALONG WITH ANNEXURE FILED BY THE 6TH RESPONDENT.
- EXHIBIT-P11- TRUE COPY OF THE AFFIDAVIT FILED BY THE IST RESPONDENT BEFORE THE TRIBUNAL.
- EXHIBIT-P12- TRUE COPY OF THE AFFIDAVIT FILED BY THE DEPUTY CHIEF PERSONNEL OFFICER BEFORE THE TRIBUNAL.
- EXHIBIT-P13- TRUE COPY OF THE FINAL ORDER DATED 09/11/2011 OF THE TRIBUNAL IN O.A 466 OF 2009.
- EXHIBIT-P14- TRUE COPY OF THE LETTER NO. E (P&A) 1-98/RT6 DATED 14/05/1998
- EXHIBIT-P15- TRUE COPY OF THE AFFIDAVIT ALONG WITH EXHIBITS FILED BY THE DEPUTY CHIEF PERSONNEL OFFICER IN O.P CAT 925 OF 2012.
- EXHIBIT-P16- TRUE COPY OF THE JUDGMENT DATED 03/04/2012 OF THIS COURT IN O.P (CAT). 82 AND 925 OF 2012.
- EXHIBIT-P17- TRUE COPY OF THE ORDER DATED 05/06/2012 IN O.A 466 OF 2009 OF CENTRAL ADMINISTRATIVE TRIBUNAL.

RESPONDENTS' EXHIBITS : NIL

OKB

//TRUE COPY//

P.A. TO JUDGE

THOTTATHIL B. RADHAKRISHNAN & K.HARILAL, JJ.

O.P.(CAT) No.2886 of 2012

Dated this the 5th day of February, 2015

JUDGMENT

Thottathil B. Radhakrishnan, J.

This original petition is filed by the Union of India and others challenging order dated 5/6/2012 of the Central Administrative Tribunal, Ernakulam Bench in O.A.No.466 of 2009. That matter happened to be heard by the Tribunal on 28/5/2012 and decided as per the impugned order dated 5/6/2012 in view of an order of remand made by this Court through common judgment in O.P(CAT). Nos.82 of 2012 and 925 of 2012. When the establishment filed this original petition challenging the order dated 5/6/2012 passed after the order of remit made by the High Court, the applicant before the Tribunal stood advised to challenge the order of remit made by this Court. The Hon'ble Supreme Court set aside the order of remit made by this Court through the common judgment dated 3/4/2012 in O.P(CAT). Nos.82 of 2012 and 925 of 2012. By the said order in Civil Appeal Nos.7182-8182 of 2014, Their Lordships have, vacating the order of remit made by this Court, holding that if the High Court had found fault with the order passed by the Tribunal, the High Court should have recorded

the reasons and set aside the order of the Tribunal by passing an appropriate order in accordance with law. Accordingly, the aforementioned judgment dated 3/4/2012 in O.P(CAT). Nos.82 of 2012 and 925 of 2012 was set aside and the matter was remitted to this Court for re-determination of the controversy on merits, in accordance with law. In this view of the matter, the basic substratum on which the Tribunal passed its later order dated 5/6/2012 on O.A.No.466 of 2009 is lost. Resultantly, the said order of the Central Administrative Tribunal impugned in this original petition is only to be set aside without expressing anything on the merits of the rival contentions of the employees and the establishment at the hearing of O.P(CAT). Nos.82 of 2012 and 925 of 2012. We do so.

In the result, this original petition is allowed setting aside Ext.P17 order for the reasons noted above and without in any manner affecting the contentions of the rival parties, including the establishment in O.P(CAT). Nos.82 of 2012 and 925 of 2012. No costs.

Sd/-

THOTTATHIL B. RADHAKRISHNAN, JUDGE

Sd/-

K.HARILAL, JUDGE

okb.