

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2015

CORAM

THE HONOURABLE MR. JUSTICE V.RAMASUBRAMANIAN
and
THE HONOURABLE MR. JUSTICE T.MATHIVANAN

W.P. No.1203 of 2015

S.Venkataraman

...Petitioner

Vs.

1. Union of India rep. by the
General Manager,
Southern Railway,
Park Town, Chennai - 3.
2. The Chief Planning and Design Engineer,
Southern Railway,
Park Town, Chennai - 3.
3. The Chief Personnel Officer,
Southern Railway,
Park Town, Chennai - 3.
4. The Registrar,
Central Administrative Tribunal,
Madras Bench, Chennai.

...Respondents

Petition filed under Article 226 of The Constitution of India to issue a writ of certiorarified mandamus to call for the records relating to the order of the fourth respondent made in O.A.No.324 of 2011 dated 10.12.2013 to quash the same and consequently direct the respondents 1 to 3 to do the necessary correction in the date of entry/empanelment as 03.12.1992 as per the Rules in vogue and to extend all the consequential service benefits.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.V.G.Suresh Kumar for R1 to R3
R4 - Tribunal

ORDER
(Order of the Court was made by V.RAMASUBRAMANIAN, J.)

This writ petition arises out of the dismissal of a claim made by the petitioner before the Central Administrative Tribunal, for fixation of proper seniority in the promoted post.

2.Heard Mr.L.Chandrakumar, learned counsel appearing for the petitioner and Mr.V.G.Suresh Kumar, learned standing counsel appearing for the respondents 1 to 3.

3.The petitioner herein was originally selected and appointed as an Apprentice Inspector of Works Grade III with effect from 12.09.1985. After completion of training, he was absorbed in the post of Inspector of Works with effect from 29.08.1986. He was promoted to the post of Inspector of Works Grade II with effect from 26.09.1990.

4.Thereafter in the year 1993, he was promoted to the post of Inspector of Works - Grade I. However, the petitioner was undergoing an Engineering degree course on part time at that time. Therefore, he gave a letter on 05.10.1993 expressing unwillingness to accept the promotion. Therefore, the respondents debarred him for promotion for a period of one year.

5.Subsequently, he was promoted and seniority was assigned to him with reference to the date of his promotion viz., 20.10.1994. On the ground that such a fixation of seniority was made known to him only in the year 2009, the petitioner gave representations and thereafter filed an application in O.A.No.324 of 2011 on the file of the Central Administrative Tribunal, Madras. The Tribunal dismissed the application on the ground that he had come up long after the fixation of seniority. Aggrieved by the said order, the petitioner is before us.

6.In our considered view, the Tribunal was right in dismissing the application of the petitioner for two reasons. They are (1) that the petitioner raised the issue of seniority after 15 years of promotion viz., 20.10.1994 and (2) though the petitioner claimed that he came to know about the seniority only in 2009, it is not believable.

7.In any case, the petitioner, by his representation dated 05.10.1993, expressed unwillingness to accept promotion, due to the fact that he was undergoing a degree course in Engineering and that the promotion order was coupled with a transfer. Therefore, the

respondents debarred the petitioner for promotion for one year. Hence he cannot take seniority with reference to the panel of the year 1993 in which he has declined promotion. The writ petition is dismissed. No costs.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

mmi

To

1. The General Manager,
Southern Railway,
Park Town, Chennai - 3.
2. The Chief Planning and Design Engineer,
Southern Railway,
Park Town, Chennai - 3.
3. The Chief Personnel Officer,
Southern Railway,
Park Town, Chennai - 3.
4. The Registrar,
Central Administrative Tribunal,
Madras Bench, Chennai.

1 CC to Mr.L.Chandrakumar, Advocate SR.No. 32491

1 CC to Mr.V.G.Suresh Kumar, Advocate SR.No. 32337

W.P.No.1203 of 2015

KM (CO)
PSI (08.07.2015)

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