

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2019

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.17726 of 2017
and
W.M.P.No.19241 of 2017

1.Union of India rep. by the General Manager,
Southern Railway, Park Town,
Chennai - 3.

2.The Chief Personnel Officer,
Southern Railway,
Park Town, Chennai - 3.

3.The Divisional Personnel Officer,
Salem Division,
Southern Railway, Salem.

.. Petitioners

Vs.

1.The Registrar,
Central Administrative Tribunal,
Chennai Bench, High Court Campus,
Chennai - 104.

- 2.E.Muthukumar
- 3.Maya Peethambaran
- 4.P.Subramanian
- 5.Franklin Washington
- 6.A.Bala Gurumurthy
- 7.J.K.Lakshmana Raj
- 8.C.S.Muralikrishna
- 9.P.Manivannan
- 10.Ebenezer Chellappa Jagnavasan
- 11.S.A.Annadurai
- 12.A.Saha Irudayaraj
- 13.N.Shanmugavelu
- 14.R.Subramanian
- 15.K.Arumugam
- 16.R.H.Latha
- 17.A.Subramanian

18.R.Inbarasu
19.K.Sadhasivan
20.L.Palanisamy
K.Sivasankaran (since deceased)
21.K.Ramu Ammal
22.S.Vijayavarman
23.N.Sayileela
24.A.Sheela
25.S.Easwaramurthy
26.K.Ganapathy
27.Raju P.Thomas
28.G.Sethulakshmi
29.G.Ramaraj
30.J.K.Premkumar
31.P.V.Kumar
32.B.Minimole
33.R.Murugarathinam
34.K.Chandran
35.K.Govindasamy
36.R.Venkatachalam
37.K.Sathyabama
38.K.V.Ramnath
39.A.R.Maheswaran
40.A.Diwakaran
41.R.Senthil
42.Sojan Philip
43.R.Mini
44.Haribalakrishnan Rangasamy
45.P.N.Radhakrishnan
46.B.Chandran

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the entire records of the order dated 17.08.2016 passed by the first respondent Tribunal in O.A.No.310/00253/2014 and quash the same.

For Petitioners .. Ms.T.P.Savitha

For Respondents .. No appearance for R2 to R46

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

Challenging the order of the first respondent dated 17.08.2016, the present writ petition has been filed.

2.Heard the learned counsel appearing for the petitioners. None appears for the respondents including the contesting

respondents, who are the applicants before the Tribunal, notwithstanding the fact that their names have been printed.

3.The contesting respondents were working as Commercial clerks with the petitioners. The promotional post to the aforesaid post is the Chief Commercial Clerk. They were made to undergo apprenticeship for a period of two years. Thereafter, they would be absorbed in the post of Chief Commercial Clerk as per the Notification dated 26.09.2007. Accordingly, the second respondent was absorbed on 09.06.2010 and the third respondent was absorbed on 24.07.2010.

4.In the meanwhile, the post of Head Commercial Clerk got merged with the post of Chief Commercial Clerk. This happened on 14.09.2010. Accordingly, the other private respondents, who are working as Head Commercial Clerks were redesignated as Chief Commercial Clerks. In the inter se seniority, respondents 2 and 3 were placed below them. This is the subject matter of dispute before the Tribunal. The Original Application has been filed by respondents 2 and 3 inter alia contending that they should be placed above others. The Tribunal, by placing reliance upon the circular dated 26.09.2012, fixing the inter se seniority, was pleased to allow the Original Application by directing the petitioners to fix the seniority as per the above circular.

5.The aforesaid circular deals with the employees working in the particular cadre. Unfortunately, respondents 2 and 3 did not even enter the cadre on the relevant date of merger. They were only apprentices. They have been absorbed only subsequently, by which time, the merger has taken place. On the date of merger, the other private respondents were working as Head Commercial Clerks. This position was not considered by the Tribunal.

6.In such view of the matter, there is no question of application of circular to the case of respondents 2 and 3, who are admittedly absorbed subsequently. In such view of the matter, we are constrained to interfere with the order of the Tribunal. Accordingly, the impugned order is set aside and the writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

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Sub Assistant Registrar

mmi

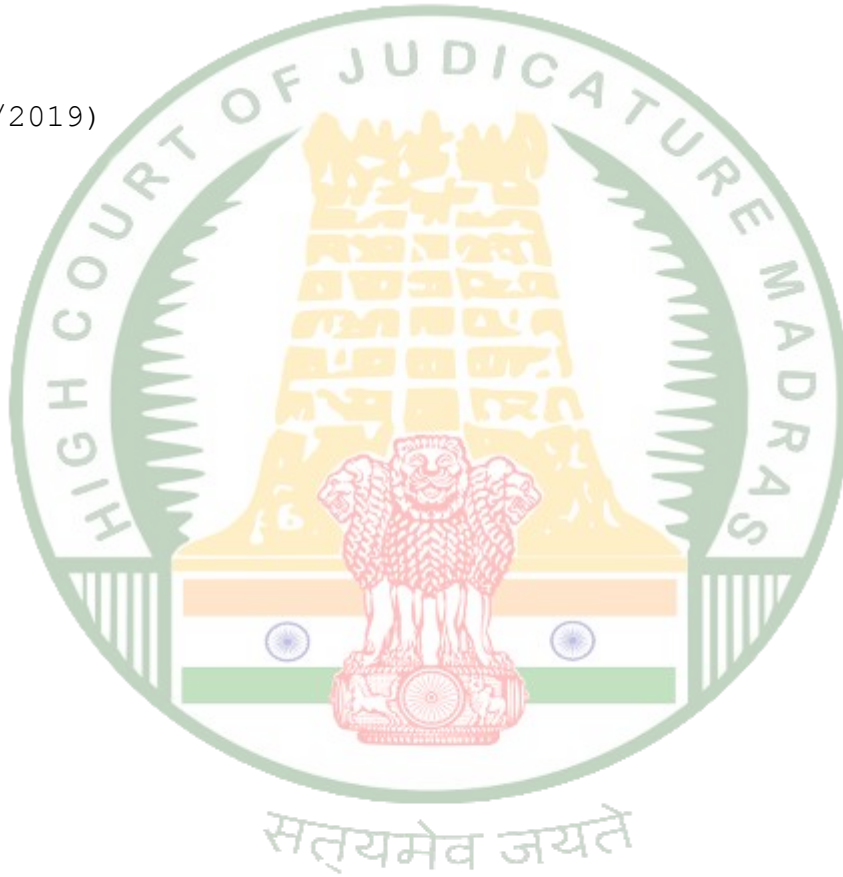
To

The Registrar,
Central Administrative Tribunal,
Chennai Bench, High Court Campus,
Chennai - 104.

+1cc to Mr.T.P.Savitha, Advocate SR.No.4523

W.P.No.17726 of 2017

CP(CO)
GMY(18/02/2019)



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