

Union of India vs V. Ramesh

Union of India vs V. Ramesh

SooperKanoon Citation : sooperkanoon.com/1779324

Court : Kerala Orders

Decided On : Mar-20-2020

Judge : Honourable Mr.Justice K.Vinod Chandran,Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : OP (CAT)/4220/2012

Appellant : Union of India

Respondent : V. Ramesh

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN & THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN FRIDAY, THE 20TH DAY OF MARCH 2020 / 30TH PHALGUNA, 1941 OP (CAT).No.39 OF 2013(Z) AGAINST THE ORDERS IN O.A.561/2011 DATED 22.02.2012 AND R.A.NO.16/2012 IN O.A.NO.561/2012 DATED 11.04.2012 OF CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH PETITIONERS/ RESPONDENTS IN O.A:

1 UNION OF INDIA, REPRESENTED BY THE GENERAL MANAGER, SOUTHERN RAILWAY, HEADQUARTERS OFFICE, PARK TOWN P.O,

CHENNAI -3. 2 THE CHIEF PERSONNEL OFFICER, SOUTHERN RAILWAY, HEADQUARTERS OFFICE, PARK TOWN P.O, CHENNAI - 3. 3 THE SENIOR DIVISIONAL PERSONNEL OFFICER, SOUTHERN RAILWAY, PALAKKAD DIVISION, PALAKKAD - 678 002. 4 THE SENIOR DIVISIONAL PERSONNEL OFFICER, SOUTHERN RAILWAY, SALEM DIVISION, SALEM -5. 5 THE SECRETARY TO GOVERNMENT OF INDIA, MINISTRY OF RAILWAYS (RAILWAY BOARD), NEW DELHI - 110 001. BY ADVS. SMT.SUMATHY DANDAPANI (SR.) SRI.B.RAJESH, SC, RAILWAYS

RESPONDENTS/ APPLICANTS IN O.A.: 1 ALL INDIA LOCO RUNNING STAFF ASSOCIATION, REG. NO.17903, SOUTHERN RAILWAY, SOUTH ZONE, REPRESENTED BY ITS SECRETARY GEOMY GEORGE, S/O. GEORGE CHERIAN, WORKING AS LOCO PILOT (MAIL), SHORNUR RAILWAY STATION, SHORNUR, RESIDING AT CHITHIRAPURAM HOUSE, K.V.R. ROAD, SHORNUR - 670 121. OP(CAT).39/2013 & - 2 -

2 K.G. AJITHKUMAR, S/O. A. KARUNAKARAN, LOCO PILOT (MAIL), SOUTHERN RAILWAY, SHORNUR RAILWAY STATION, SHORNUR, RESIDING AT 162B, RAILWAY QUARTERS, GANESJGIRI P.O., SHORNUR - 679 123. 3 P.M. PRAKASH, S/O. P.K. MADHAVAN, LOCO PILOT (MAIL), SOUTHERN RAILWAY, SHORNUR RAILWAY STATION, SHORNUR, RESIDING AT RAILWAY QUARTERS NO.301-D, SHORNUR - 679 121. R1-R3 BY ADV. SRI.T.C.GOVINDA SWAMY R1-R3 BY ADV. SRI.G.SHYAM RAJ

OTHER PRESENT: ADV.SRI. S. RADHAKRISHNAN, AMICUS CURIAE. THIS OP (CAT) HAVING BEEN FINALLY HEARD ON 19-03-2020, ALONG WITH OP (CAT).3953/2012(Z), OP (CAT).4220/2012(Z), OP (CAT).327/2013(Z), OP (CAT).2352/2013(Z), OP (CAT).194/2016(Z), THE COURT ON 20-03-2020 DELIVERED THE FOLLOWING: OP(CAT).39/2013 & - 3 -

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN & THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN FRIDAY, THE 20TH DAY OF MARCH 2020 / 30TH PHALGUNA, 1941 OP (CAT).No.3953 OF 2012 AGAINST THE ORDER IN OA.484/2011 DATED 22-02-2012 OF CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH PETITIONERS/ RESPONDENTS IN O.A.:

1 UNION OF INDIA, REPRESENTED BY THE GENERAL MANAGER, SOUTHERN RAILWAY, HEADQUARTERS OFFICE, PARK TOWN P.O., CHENNAI-600 003. 2 CHIEF PERSONNAL OFFICER, SOUTHERN RAILWAY, HEADQUARTERS OFFICE, PARK TOWN P.O., CHENNAI-600 003. 3 DIVISIONAL PERSONNEL OFFICER, SOUTHERN RAILWAY, TRIVANDRUM DIVISION, THIRUVANANTHAPURAM-695 014. 4 SECRETARY TO GOVERNMENT OF INDIA, MINISTRY OF RAILWAYS (RAILWAY ROAD), NEW DELHI-110 001. BY ADVS. SMT.SUMATHY DANDAPANI (SR.) BY ADV. SRI.B.RAJESH, SC, RAILWAYS

RESPONDENTS/ APPLICANTS IN O.A.: 1 ALL INDIA LOCO RUNNING STAFF ASSOCIATION REG.NO.17903, SOUTHERN RAILWAY, TRIVANDRUM, REPRESENTED BY ITS SECRETARY G.SREEKANTAN, PRESENTLY WORKING AS LOCO PILOT (MAIL), QUILON, RESIDING AT MARIVEEDU, ALINTHARA, VENJARAMOODU P.O., THIRUVANANTHAPURAM-695 607. OP(CAT).39/2013 & - 4 -

2 ROLY M.MUTTAPPILLIL, S/O.M.M.MANI, LOCO PILOT (MAIL), SOUTHERN RAILWAY, ERNAKULAM JUNCTION, RESIDING AT MUTTAPPILLIL HOUSE, KURAVILANGAD POST, KOTTAYAM-686 633. 3 C.S.KISHOR, S/O. CHANDRASEKHARAN NAIR, LOCO PILOT (MAIL), SOUTHERN RAILWAY, TRIVANDRUM CENTRAL, RESIDING AT "HRIDYAM", TC 18/143(3), PLAVILA, THIRUMALA P.O., THIRUVANANTHAPURAM-695 006. R1-R3 BY ADV.

SRI.T.C.GOVINDA SWAMY R1 BY ADV. SRI.G.SHYAM RAJ

THIS OP (CAT) HAVING BEEN FINALLY HEARD ON 19-03-2020, ALONG WITH OP (CAT).4220/2012(Z), OP (CAT).39/2013(Z), OP (CAT).327/2013(Z), OP (CAT).2352/2013(Z), OP (CAT).194/2016(Z), THE COURT ON 20-03-2020 DELIVERED THE FOLLOWING:
OP(CAT).39/2013 & - 5 -

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN & THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN FRIDAY, THE 20TH DAY OF MARCH 2020 / 30TH PHALGUNA, 1941 OP (CAT).No.4220 OF 2012 AGAINST THE ORDER IN OA.610/2011 DATED 22-02-2012 OF CENTRAL ADMINISTRATIVE TRIBUNAL,ERNAKULAM BENCH PETITIONERS/ RESPONDENTS IN O.A: 1 UNION OF INDIA, REPRESENTED BY GENERAL MANAGER, SOUTHERN RAILWAY, HEADQUARTERS OFFICE, PARK TOWN P.O, CHENNAI - 600 003. 2 CHIEF PERSONNEL OFFICER, SOUTHERN RAILWAY, HEADQUARTERS OFFICE, PARK TOWN P.O.,CHENNAI - 600 003. 3 DIVISIONAL PERSONNEL OFFICER, SOUTHERN RAILWAY, TRIVANDRUM - 695 014. BY ADVS. SMT.SUMATHY DANDAPANI (SR.) BY ADV. SRI.B.RAJESH, SC, RAILWAYS. RESPONDENTS/ APPLICANTS IN O.A.: 1 V. RAMESH, S/O.BHASKARAN, LOCO PILOT (MAIL), SOUTHERN RAILWAY, TRIVANDRUM, RESIDINT AT: ASWATHY, CHIRAKKARATHAZHAM P.O., KOLLAM - 691 578. 2 T.SANKARANARAYAN, S/O.THIRUVENGADOM, LOCO PILOT (MAIL), SOUTHERN RAILWAY, NAGERCOIL, RESIDING AT 153/36, VAYAL STREET, VADALIVILAI, KOTTAR,NAGARCOIL- 629 002. OP(CAT).39/2013 & - 6 -

3 M.G.SAJIKUMAR, S/O.GOPINATHAN PILLAI, LOCO PILOT (MAIL), SOUTHERN RAILWAY/TRIVANDRUM, RESIDING AT: TC 8/1082 (1), MYTHREE NAGAR, VALIYAVILA,TRIVANDRUM - 695 006. 4

P.SELVAKUMAR, S/O.PETCHIMUTHU, LOCO PILOT (MAIL), SOUTHERN RAILWAY/NAGERCOIL, RESIDING AT: PLOT NO.102, 443 C-1, MOOKAMBIGALLLOM, 1ST CROSS STREET, PALAYAMKOTTAI, THIRUNELVELI - 627 002. 5 K.SATHEESAN, S/O.KUTTAPPAN, LOCO PILOT (MAIL), SOUTHERN RAILWAY/QUILON, RESIDING AT : SRUTHY, THURUTHIKKARA P.O., KUNNATHUR, KOLLAM - 690 540. 6 R.RAJENDRAN, S/O.RAMAN PILLAI, LOCO PILOT (MAIL), SOUTHERN RAILWAY/QUILON, RESIDING AT THUNDIL BHAVAN, THIRUMULLAVAROM P.O., KOLLAM - 691 012. 7 S.RAVICHANDRAN, S/O.MUTHU, LOCO PILOT (MAIL), SOUTHERN RAILWAY/TRIVANDRUM, RESIDING AT: GURUKRIPA, TC 48/631, AMBALATHARA, THIRUVANANTHAPURAM-695 026. 8 K.V.DEVASSY, S/O.VARGHESE, LOCO PILOT (MAIL), SOUTHERN RAILWAY/ERNAKULAM, RESIDING AT: KOVATHIL HOUSE, SAHAKARANA ROAD, PONNURUNNY, VYTTILA, ERNAKULAM - 682 019. 9 B.SUBHASH BHASI, S/O.BHASKARAN, LOCO PILOT (MAIL), SOUTHERN RAILWAY/TRIVANDRUM, RESIDING AT : SOUPARANIKA, ASWATHI GARDENS, AMBALATHARA, THIRUVANANTHAPURAM -695 023. 10 JENSON THOMAS, S/O.THOMAS, LOCO PILOT (MAIL), SOUTHERN RAILWAY/ERNAKULAM, RESIDING AT: THEKKEKARA HOUSE, VAPPALASSERI P.O., ANGAMALI, ERNAKULAM DIST. PIN - 683 572 11 T.J.ROBERT, S/O.THOMMI JOSEPH, LOCO PILOT (MAIL), SOUTHERN RAILWAY/ERNAKULAM, RESIDING AT: THAIPPARAMBIL HOUSE, GREEN LANE, SSKS ROAD, VADUTHALA P.O., KOCHI - 682 023.

OP(CAT).39/2013 & - 7 -

12 G.S.ABRAHAM, S/O.SAMUEL, LOCO PILOT (MAIL), SOUTHERN RAILWAY/QUILON, RESIDING AT: TRA -1, KOTTURAZHIKOM, MUNDAKKAL WEST, KOLLAM - 691 010. 13 B.PRADEEP, S/O.BALAKRISHNAN NAIR, LOCO PILOT (MAIL), SOUTHERN

RAILWAY/TRIVANDRUM, RESIDENT AT: DEVI VIHAR, CHOZHAYAKKAD, CHANNANIKAD P.O., KOTTAYAM DIST., PIN - 686 533. 14 K.MOHANAN PILLAI, S/O.KOCHUNNI KURUP, LOCO PILOT (MAIL), SOUTHERN RAILWAY/QUILON, RESIDING AT: DARSANAM, EDAVATTOM, KAVUVELIL P.O., EZHUKONE, KOLLAM - 691 505. 15 A.C.GURUNATH, S/O.KUTTALAM PILLAI, LOCO PILOT (MAIL), SOUTHERN RAILWAY/TRIVANDRUM, RESIDING AT: YNA- 63, YAMUNA NAGAR, MANACAUD, THIRUVANANTHAPURAM - 695 009. 16 LYNDON CHARLES, S/O.BENNET, LOCO PILOT (MAIL), SOUTHERN RAILWAY/TRIVANDRUM RESIDING NEAR LMS OMPOUND, CHERUVARAKONAM, PARASSALA, TRIVANDRUM - 695 502. R1-R16 BY ADV. SRI.MARTIN G.THOTTAN

THIS OP (CAT) HAVING BEEN FINALLY HEARD ON 19-03-2020, ALONG WITH OP (CAT).3953/2012(Z), OP (CAT).39/2013(Z), OP (CAT).327/2013(Z), OP (CAT).2352/2013(Z), OP (CAT).194/2016(Z), THE COURT ON 20-03-2020 DELIVERED THE FOLLOWING: OP(CAT).39/2013 & - 8 -

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN & THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN FRIDAY, THE 20TH DAY OF MARCH 2020 / 30TH PHALGUNA, 1941 OP (CAT).No.327 OF 2013 AGAINST THE ORDER IN OA 507/2011 DATED 22.02.2012 OF CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH PETITIONERS/ RESPONDENTS IN O.A.: 1 UNION OF INDIA, REPRESENTED BY GENERAL MANAGER, SOUTHERN RAILWAY, HEADQUARTERS OFFICE, PARK TOWN P.O., CHENNAI-600003. 2 CHIEF PERSONNEL OFFICER, SOUTHERN RAILWAY, HEADQUARTERS OFFICE, PARK TOWN.P.O., CHENNAI-600003. 3 DIVISIONAL PERSONNEL OFFICER, SOUTHERN RAILWAY, TRIVANDRUM-695014. BY ADVS. SMT.SUMATHY DANDAPANI (SR.) BY ADV. SRI.B.RAJESH, SC, RAILWAYS RESPONDENTS/

APPLICANTS IN O.A.: 1 K.VENUGOPALA PILLAI, S/O. KUNJUKRISHNA PILLAI, LOCO PILOT (MAIL), SOUTHERN RAILWAY/QUILON, RESIDING AT RAILWAY QUARTERS NO.13, KOLLAM-691001. 2 P. VIJAYAN, S/O. PADMANABHAN ACHARY, LOCO PILOT (MAIL) SOUTHERN RAILWAY/QUILON, RESIDING AT P.N. SADANAM, KUZHUMATHICADE.P.O., KOLLAM-691509. R1-R2 BY ADV. SRI.MARTIN G.THOTTAN THIS OP (CAT) HAVING BEEN FINALLY HEARD ON 19-03-2020, ALONG WITH OP (CAT).3953/2012(Z), OP (CAT).4220/2012(Z), OP (CAT).39/2013(Z), OP (CAT).2352/2013(Z), OP (CAT).194/2016(Z), THE COURT ON 20-03-2020 DELIVERED THE FOLLOWING: OP(CAT).39/2013 & - 9 -

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN & THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN FRIDAY, THE 20TH DAY OF MARCH 2020 / 30TH PHALGUNA, 1941 OP (CAT).No.2352 OF 2013 AGAINST THE ORDER IN OA 3/2012 DATED 01-01-2013 OF CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH PETITIONERS/ RESPONDENTS IN THE O.A:

1 UNION OF INDIA, REPRESENTED BY THE GENERAL MANAGER, SOUTHERN RAILWAY, HEADQUARTERS OFFICE, PARK TOWN P O, CHENNAI-600003 2 CHIEF PERSONEL OFFICER, SOUTHERN RAILWAY, HEADQUARTERS OFFICE, PARK TOWN P O, CHENNAI-600003 3 DIVISIONAL PERSONNEL OFFICER, SOUTHERN RAILWAY, THIRUVANANTHAPURAM DIVISION, THIRUVANANTHAPURAM-695014 4 SECRETARY TO GOVERNMENT OF INDIA, MINISTRY OF RAILWAYS, RAILWAY BOARD, , NEW DELHI-110001 BY ADVS. SMT.SUMATHY DANDAPANI (SR.) BY ADV. SRI.B.RAJESH, SC, RAILWAYS

RESPONDENTS/APPLICANTS IN O.A.: 1 G.R.MAHESH, S/O.R GANGADHARAN, LOCO PILOT(MAIL), SOUTHERN

RAILWAY/QUILON JUNCTION, RESIDING AT REMYA NIVAS, TKMC P O , PEROOR, KOLLAM-691005. OP(CAT).39/2013 & - 10 - 2 K PRADEEP KUMAR, S/O. V.KUNHIRAMAN, LOCO PILOT (MAIL), SOUTHERN RAILWAY, ERNAKULAM JUNCTION, COCHIN-682016, RESIDING AT PUNARTHAM HOUSE, WEST CHALAKUDI, TRICHUR DISTRICT-680001 R1-R2 BY ADV. SRI.T.C.GOVINDA SWAMY R1 BY ADV. SMT.T.N.SREEKALA THIS OP (CAT) HAVING BEEN FINALLY HEARD ON 19-03-2020, ALONG WITH OP (CAT).3953/2012(Z), OP (CAT).4220/2012(Z), OP (CAT).39/2013(Z), OP (CAT).327/2013(Z), OP (CAT).194/2016(Z), THE COURT ON 20-03-2020 DELIVERED THE FOLLOWING: OP(CAT).39/2013 & - 11 -

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN & THE HONOURABLE MR.JUSTICE P.V.KUNHIKRISHNAN FRIDAY, THE 20TH DAY OF MARCH 2020 / 30TH PHALGUNA, 1941 OP (CAT).No.194 OF 2016 AGAINST THE ORDER IN OA 1125/2012 DATED 28-01-2016 OF CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH PETITIONERS/ RESPONDENTS IN O.A.:

1 UNION OF INDIA, REPRESENTED BY THE GENERAL MANAGER, SOUTHERN RAILWAY, HEAD QUARTERS OFFICE, CHENNAI-600 003. 2 SENIOR DIVISIONAL PERSONNEL OFFICER, SOUTHERN RAILWAY, THIRUVANANTHAPURAM DIVISION, THIRUVANANTHAPURAM-695 014. 3 SENIOR DIVISIONAL FINANCE MANAGER, SOUTHERN RAILWAY, THIRUVANANTHAPURAM DIVISION, THIRUVANANTHAPURAM- 695 014. BY ADVS. SMT.SUMATHY DANDAPANI (SR.) BY ADV. SRI.B.RAJESH, SC, RAILWAYS

RESPONDENT/ APPLICANT IN O.A.: P.P.CHACKO, S/O. PEELY, RETIRED LACO PILOT/MAIL, SOUTHERN RAILWAY, ERNAKULAM, RESIDING AT POOTHRUKAYIL HOUSE, MEMURY P.O., KOTTAYAM DISTRICT - 686611. R1 BY ADV. SRI.MARTIN G.THOTTAN THIS OP

(CAT) HAVING BEEN FINALLY HEARD ON 19-03-2020, ALONG WITH
OP (CAT).3953/2012(Z), OP (CAT).4220/2012(Z), OP (CAT).39/2013(Z),
OP (CAT).327/2013(Z), OP (CAT).2352/2013(Z), THE COURT ON 20-
03-2020 DELIVERED THE FOLLOWING: OP(CAT).39/2013 & - 12 -
C.R. K. Vinod Chandran & P.V.Kunhikrishnan, JJ.
----- O.P.(CAT) Nos.39/2013,
----- Dated, this the 20th day of March, 2020

JUDGMENT

K. Vinod Chandran, J.

A common issue is agitated in these Original Petitions by the Railways and its employees, as to the provisions of the Modified Assured Career Progression Scheme ['MACPS' for brevity], which came into effect on 01.09.2008. We refer to the parties as per their status in the Original Applications. Before we look into the issue, we have to observe that in two of the Original Applications an Association along with two member employees are the applicants. In the OAs, a list is produced indicating the

members who are affected by the withdrawal of a benefit earlier granted by the Railways. Many of the members shown in the list are persons who are not employed within the jurisdiction of the Central Administrative Tribunal ['CAT' for brevity], Ernakulam Bench. Certain applicants are also employed by the Railways outside that jurisdiction.

OP(CAT).39/2013 & - 13 -

2. We have heard Smt.Sumathy Dandapani, learned

Senior Counsel instructed by Sri.B.Ra

Sri.S.Radhakrishnan, Amicus Curiae.

3. The learned Counsel appearing for the applicants have submitted that it is permissible for an Association to file an application representing the persons

desirous of joining together, if one of the affected persons joins the Association in filing the application as

per Rule 4(5) of the Central Administrative Tribunal (Procedure) Rules, 1987 ['Procedure Rules' for brevity]. The Association, it is submitted, has its office within the State of Kerala and, hence, its members could agitate the cause before the Tribunal at Ernakulam. It is also argued that when the Tribunal was constituted, it was constituted at New Delhi and later Benches were constituted in every

State with Principal Bench at New Delhi. In such circumstance, when an Association together with one of the affected persons file an application, it could be in one of the Benches of the Tribunal de hors the place where the members who join together are working. It is also submitted that ideally the position needs to be upheld, so as to

OP(CAT).39/2013 & - 14 - avoid different Benches of the Tribunal speaking in different voices.

4. We are not convinced that the office of the Association would confer jurisdiction on the members to

file an application. The Association as such is not aggrieved and the provision only enables the members to agitate their common cause through such Association, with one of the affected persons joining. The place where the office of the Association is situated is not at all a factor which constitutes the bundle of facts, which give rise to a cause of action to decide the jurisdiction of the Court or Tribunal before which an application is to be filed. We cannot also agree with the submission that this

would ensure that different Benches jurisdiction confined to that area.

5. We take note of the decision of the Hon'ble Supreme Court in L.Chandrakumar v. Union of India [(1997) 3 SCC 261], which speaks of the Administrative

Tribunals having been constituted for the purpose of carrying out the supplemental role of the High Courts. It is only natural that the different High Courts may speak in OP(CAT).39/2013 & - 15 - different voices, which eventually have to be settled by the Hon'ble Supreme Court. In this context, we also notice the notification brought out by the Central Government bearing No.G.S.R.896(E) dated 01.09.1988 substituting the table in the earlier notification brought out as per G.S.R.No.610E dated 26.07.1985 constituting the various Benches of the Tribunal. The Ernakulam Bench of the CAT has been constituted with the jurisdiction specified as 'State of Kerala and Union Territory of Lakshadweep'.

6. In this context, we also notice Rule 4(5) of the Procedure Rules, which we extract hereunder:

4. Procedure for filing applications.- xxx xxx xxx (5)(a) Notwithstanding anything contained in sub-rules (1) to (3) the Tribunal may permit more than one person to join together and file a single application if it is satisfied, having regard to the cause and the nature of relief prayed for that they have a common interest in the matter.

(b) Such permission may also be granted to an

Association representing the persons desirous of joining in a single application provided, however, that the application shall disclose the class/grade/categories or persons on whose behalf it has been filed provided that at least one affected person joins such an application. OP(CAT).39/2013 & - 16 - Sub-rule (a) confers power on the Tribunal to permit more

than one person to join together and file a single application if it is satisfied, having regard to the cause and nature of the relief prayed, that they have a common interest in the matter. Hence, it is not sufficient that the nature of relief prayed for is identical, but the cause also has to be identical. To determine the cause, amongst the bundle of facts constituting such cause of action, the situs of employment of the particular applicants who wish to join together and ventilate their cause through their

Association, is a very relevant aspect in so far as determining the forum having jurisdiction. If the location of the registered office of the Association decided the territorial jurisdiction, then there could be widespread

forum-shopping. Sub-rule (b) likewise,

been filed, subject only to the further condition that one of such persons should join the Association, in his personal capacity, in the application.

7. The question we have to deal with is, whether a person working in Tamil Nadu could join a person in Kerala OP(CAT).39/2013 & - 17 -

so as to pray for the identical relief from the Bench constituted for the State of Kerala. We are of the definite opinion that it is not permissible, especially looking at the words employed in clause (b) of Rule 4(5), which provides for disclosing the class/grade/categories or persons on whose behalf it has been filed, on examination of which alone the Tribunal could permit such an application to be filed. As we said, the location of the office of the Association would not confer jurisdiction and the place in which the several applicants are employed is the relevant factor for deciding the question of territorial jurisdiction.

8. We see from O.A.No.561/2011 [O.P(CAT) No.39/2013] that in Annexure A5 list serial Nos.88 to 129 are persons employed in Erode and Coimbatore. In

O.A.No.484/2011 [O.P (CAT) No.3953/2012] the list at Annexure A4 includes some employees from Nagercoil and in O.A.No.610/2011 [O.P(CAT) No.4220/2012] respondents 2 and 4 are employed at Nagercoil. The said persons being outside the jurisdiction of the CAT, Ernakulam Bench, could not have maintained such an application. Our judgment does not apply to them and we find them to be not entitled to invoke the remedy before the CAT, Ernakulam Bench. However, we

OP(CAT).39/2013 & - 18 - leave liberty for them to approach the appropriate forum where they could definitely take the contention of having first approached a wrong forum.

9. The precise controversy is with respect to

Clause 5 and Clause 8 of the MACPS. The petitioners in the Original Petitions - Union of India and the Railways - rely on the judgment of the Hon'ble Supreme Court in (2014) 13 SCC 296 [Secretary, Govt.(NCT of Delhi) v. Grade- I DASS Officers' Association]. The respondents, on the other hand, rely on a decision of a Division Bench of the Delhi High Court in W.P(C) No.9266 of 2015 dated 09.05.2016 [Govt. of

NCT Delhi & Anr. v. S.K.Saraswat & Ors.], which has specifically considered the earlier cited decision of the Hon'ble Supreme Court and distinguished the same as being concerned with Assured Career Progression Scheme ['ACPS' for brevity], the pre-cursor to MACPS.

10. The applicants/respondents are persons

occupying various posts of Loco Pilots in the promotional hierarchy which posts had different pay scales before the implementation of the VIth Central Pay Commission. The pay scales of some of which have been equalized with effect from 01.01.2006, on introduction of the VIth Pay Commission Recommendations, in an identical Pay Band. As on OP(CAT).39/2013 & - 19 - 01.01.2006, the posts in the promotional hierarchy with the revised and pre-revised scales are as below:

Post Revised Pre-revised

Asst.Loco Pilot

Rs.5200-20200+G.P.Rs.1900Loco Pilot

(* with an allowance of Rs.500 not constituting part of pay; ** with an allowance of Rs.1000 not constituting part of pay) A unique feature of the VIth Pay Commission Recommendation was the Pay Bands introduced with Grade Pay which differed considerably from the earlier pay scales in various posts. Presumably hence, a Modified ACPS was also introduced so as to mitigate the grievance of stagnation. The MACPS is produced as Annexure A1 in the OA from which arises O.P

(CAT) No.39/2013; which we treat as the lead case.

11. The controversy is insofar as Clause 5 and

Clause 8 of the MACPS. As per the ACPS, two financial up-gradations were granted on stagnation, on completion of the 10th and 24th years. In the MACPS, this has been altered as a financial up-gradation on completion of 10, 20 and 30 years respectively. MACPS, also on account of the new OP(CAT).39/2013 & - 20 - concept introduced of 'Grade Pay'; provided for financial up-gradation whenever a person has spent 10 years continuously in the same grade pay. In the case of the applicants, they were granted the fixation in the higher grade pay; but, however, later the same was reviewed and withdrawn. As is evidenced from Annexure A2, a query was

raised as to whether MACP is applicable

(Passengers) and LP (Mail). In the query itself it was stated that MACP was not allowed in the above categories, since promotion scheme was available to them even after introduction of VIth Pay Commission. It was clarified that the Railway Board letter dated 10.08.2009 stated that promotions earned in the posts carrying same Grade Pay in the promotional hierarchy as per Recruitment Rules shall be counted for the purpose of MACP. The petitioners were, hence, denied the MACP benefits which were earlier granted to them, based on this clarification issued.

12. Before we proceed with the matter, we will

look at the decisions placed before

applicants before the CAT, Principal Bench, New Delhi were Grade II in the Delhi Administration Subordinate Service ['DASS' for brevity]. They were promoted to Grade-I and completed 24 years of regular service; upon which they claimed the second ACPS up-gradation. Grade-I of DASS was the feeder category for the next promotional grade in the hierarchy which was Grade-II. But, that higher grade had the same scale of pay as Grade-I. Hence, on promotion as also financial up-gradation they were entitled only to fixation as per FR 22(I)(a)(1). In that circumstance, the Grade-I officers for the purpose of ACPS, claimed the next higher pay scale of Rs.10000-325-15200 applicable to Group-A officers, which is the next promotional grade of Grade-II. The High Court allowed the claim, but the Hon'ble Supreme Court held so: 15. Besides being grossly unfair to the regular

promotees, the view taken by the High Court would also violate the government policy reflected by the stipulations in ACPS and the conditions attached to the same. In the

facts of the case, it would not be proper

to exercise power of judicial review so as to reverse or modify the policy decision of the Government concerned. The judgment in S.Arumugham [State of T.N. v. S.Arumugham, OP(CAT).39/2013 & - 22 -

(1998) 2 SCC 198] has rightly been relied upon by the learned Senior Counsel for the appellants on the aforesaid issue.

The Hon'ble Supreme Court accepted the contention of the administration that financial up-gradation claimed by the applicants under the ACPS would be much in excess of what the officer would gain on actual promotion in the hierarchy. We have to necessarily keep the aforesaid principle in mind when deciding the issue with respect to MACPS, in which also there can be no better claim for a person claiming the benefit of MACP on grounds of stagnation from that available to a regular promotee in that grade.

13. In S.K.Saraswat, the Principals of the Senior

Secondary Schools under the Directorate of Education, Government of NCT claimed financial up-gradation under the MACPS from the date of their entitlement. Here we have to pertinently reiterate that the MACPS was insofar as granting a higher grade pay and not the scale as such, which, on the VIth Pay Commission Recommendation, is termed as a Pay Band. Therein, in the pre-revised regime the Principal, Education Officer and Assistant Director of Education were in an identical pay scale, the promotional OP(CAT).39/2013 & - 23 - post of which was the Deputy Director of Education in a higher scale. On the introduction of the VIth Pay Commission, all these posts were merged and were fixed in a particular pay band with a grade pay of Rs.7600/-. The Principals claimed a financial up-gradation to the grade pay of Rs.8700/-. The administration refused the same on

the ground that earlier the Principal and the Deputy Director of Education were in the lower and higher pay scales, while on the VIth Pay Commission being introduced, they were merged in one identical pay band with grade pay of Rs.7600/-. In such circumstance, it was found that the Principals having been already granted the pay scale of a promotional post, there could be no financial up-gradation. The Delhi High Court found in favour of the Principals,

which we also agree with. However, we have a slightly different opinion with respect to the interpretation given to the various provisions of the Scheme and in that circumstance, we deem it fit that we, with due respect, independently state our interpretation of the MACPS.

14. MACPS as found by the Delhi High Court, by

Clause 1 speaks of three financial up-gradations counted from the direct entry grade on completion of 10, 20 and 30 years of service. Financial up-gradation is also stated to OP(CAT).39/2013 & - 24 - be admissible when a person has continued for 10 years in the same grade pay. We add here, the financial up-gradation is irrespective of promotion, since the benefit is admissible when a person has continued in the same grade pay for 10 years. In this context, we also notice that in Pay Band-2 specifically, which arises for our consideration, at four pots/grades it is the very same grade pay of Rs.4200/-. This has given rise to the present

litigation. Further, it is also to be noticed th

post as per Clause 2 of MACPS. Our interpretation, so far, we respectfully notice is in consonance with the interpretation of the scheme as interpreted by the Delhi High Court in paragraph 10 of the decision.

15. Clause 2 of MACPS envisages placement in the

immediate next higher grade pay in the hierarchy of the recommended revised pay bands and grade pay as given in Section I, Part-A of the First Schedule of the CCS (Revised Pay) Rules, 2008 ['RP Rules' for brevity]. Here we have to extract the table under Section I Part-A of the First Schedule, which is as under:

16. Clause 2 of MACPS continues to say that when

regular promotion is not between two successive grades, the grade pay at the time of financial up-gradation under MACPS would be to the next higher grade pay and not to the grade pay of the promotion post. An illustration can be drawn from the extracted table hereinabove. If the promotion post of S-5 with grade pay of Rs.1900/- is to S-7, with grade pay of Rs.2400/-; stagnation benefit of MACPS granted in the higher grade pay would only be that of S-6, which is an intermediary post between S-5 and S-7, which has a higher grade of pay of Rs.2000/- from that of S-5. This was the

issue considered in Union of India Vs. M.V. Mohanan Nair [Civil Appeal No.2016 of 2020 and connected cases] dated 05.03.2020. This interpretation vibes with our earlier finding that the financial up-gradation is insofar as the higher grade pay and not necessarily pay of the promotional post.

17. Clause 4 of MACPS makes it clear that benefit

of pay fixation available at the time of regular promotion would be admissible in the case of a financial up-gradation also. The pay, hence, would be raised by 3% of the total pay in the pay band and the grade pay drawn, before such up-gradation. In that context, there will be no further

OP(CAT).39/2013 & - 27 - fixation of pay at the time of regular promotion if it is in the same grade pay. If the actual promotion happens later to an up-gradation to a post which has a higher grade pay, again there would be no fixation; but, however, the higher grade pay would be granted. An illustration is also provided therein, which we are not concerned with.

18. We are concerned with Clause 5 and Clause 8. Clause 5 is extracted hereunder:

5. Promotions earned/upgradations granted under the ACP Scheme in the past to those grades which now carry the same Grade Pay due to

merger of pay scales/upgradations of posts recommended by the Sixth Pay Commission shall be ignored for the purpose of granting upgradations under Modified ACPS. Illustration The pre-revised hierarchy (in ascending order) in a particular organisation was as follows: Rs.5000-8000, Rs.5500-9000 & Rs.6500-10500.

Clause 5 and Clauses 8 and 8.1 according to us, operate in different fields, as we will presently demonstrate.

19. Clause 5 speaks of the identical situation as available in the present case insofar as the posts of LP (Goods), LP (Passenger) and LP (Mail). Those posts in the pre-revised and revised regime are in the promotional OP(CAT).39/2013 & - 28 -

hierarchy; with different pay scales in the ascending order

in the former regime. After revision, they have the very same pay band and grade pay. A doubt may arise as to then how could there be a promotion from one post to another

without any financial up-gradation. In this context, we have to notice FR 22(I)(a)(1). As per the said rule, on promotion to a temporary, ad hoc or substantive vacancy the notional pay of an employee has to be fixed in the lower post by adding an increment in the scale (here PB). On such notional pay being fixed, in the higher grade the pay is fixed at the stage next above the notional pay. Working out

the same in identical pay bands, a LP (Goods) who is promoted to LP (Passenger) will get an additional increment in the same pay band (This is the additional 3% of pay referred to in Clause 4 of the MACPS). This we notice, was the benefit available to Grade-I DASS Officers as we saw from the decision of the Hon'ble Supreme Court cited above, which benefit was available on financial up-gradation as also regular promotion.

20. Clause 5 as extracted above, speaks of how the benefit under MACPS has to be granted with reference to the benefit of ACPS or regular promotions granted,

prior to the revision of pay, when such promotional posts have been

OP(CAT).39/2013 & - 29 - merged into one pay band with the same grade pay. Here as we noticed, LP (Goods), LP (Passenger) and LP (Mail), who had different pay scales in the ascending order prior to the revision, has the same pay band of Rs.9300-45800 with grade pay of Rs.4200/-. What Clause 5 indicates is that before MACPS ie: before 01.09.2008; if a LP (Goods) by virtue of financial up-gradation under ACPS, i.e., two such up-gradations in the 10th and 24th years, has reached the Pay Scale of LP(Mail) or on being promoted twice reached the post of LP(Mail), such persons would be granted the benefit of the higher grade pay as per the MACPS, as on 01.09.2008. This benefit is specifically conferred since different pay scales in the ascending order of the promotional hierarchy

has now been merged into the very same pay band with identical Grade Pay. On such merger there arises a deemed stagnation, which is sought to be mitigated with a financial up-gradation. The up-gradation also is to the higher grade pay.

21. In such circumstances, as per Clause 5, a LP (Goods) who has been promoted to LP (Mail) or who has by

virtue of two financial up-gradations under the ACPS, reached the pre-revised pay of LP (Mail) will be granted two, the first and second financial up-gradation, as per OP(CAT).39/2013 & - 30 - the MACPS. From the table, the higher grade pays are Rs.4600/- and Rs.4800/-. They would, hence, be granted the higher grade pay as also the fixation spoken of in the pay band being raised by 3%. On their subsequent promotions to the posts, definitely there would be no fixation nor would

there be any higher grade pay grant

further up-gradation, ie: the third arises only when the incumbent again continues in the same Grade Pay for another ten years.

22. Now we look at Clauses 8 and 8.1, which are extracted hereunder:

8. Promotions earned in the post carrying same Grade Pay in the promotional hierarchy as per Recruitment Rules shall be counted for the purpose of MACPS. 8.1 Consequent upon the implementation of Sixth CPC's recommendations, Grade Pay of Rs.5400 is now in two Pay Bands, viz., PB-2 and PB-3. The Grade Pay of Rs.5400 in PB-2 and Rs.5400 in PB-3 shall be treated as separate Grade Pays for the purpose of grant of up-gradations under MACPS.

OP(CAT).39/2013 & - 31 - Clauses 8 and 8.1 also, according to us, are stand alone provisions with Clause 8.1 having no application in the present case since it deals with the identical grade pays in PB-2 and PB-3, the latter of which is a new scale introduced at PB-3 at the entry point of Group-A posts. They are to be treated as separate grade pays for the purpose of grant of up-gradation under MACPS, which does not call for an interpretation by us for reason of the issue not arising herein at all. All the same it cannot but

be noticed that the first four stages of PB-2 has the same grade pay, on which a similar clause as found in Clause 8.1 is not incorporated. Clause 8.1 only applies in so far as a person entitled to up-gradation for reason of stagnation in the last stage of PB-2; who does not get a higher grade pay but only fixation in PB-3. If it were otherwise, definitely Clause 8.1 would have been worded generally as applicable to all stages in which the Grade Pay is identical rather than referring to Pay Bands having identical Grade Pay of Rs.5,400/-. The Pay Bands at the exit stage of PB-2 & entry stage of PB-3 are different and in the ascending order, unlike the first four stages of PB-2 and hence the specific mandate.

OP(CAT).39/2013 &

- 32 -

23.

carrying the same grade pay in the promotional hierarchy as per the Recruitment Rules shall be counted for the purpose of grant of MACPS. According to us, the only interpretation possible, we would illustrate, from the pay bands and grade pay applicable to LP (Goods), LP (Passenger) and LP (Mail) having the common pay band of Rs.9300-34800 with G.P. Rs.4200/-. A person promoted from the post of LP (Goods) to LP (Passenger) would have only the benefit of fixation as per FR

22(I)(a)(1) or increase in the total pay by 3%. His grade pay in LP (Passenger) would continue as the same if

the promotion is within ten years. However, when he completes 10 years in the grade pay of Rs.4200/-, i.e., cumulatively in the post of LP (Goods) and LP (Passenger), he would get a financial up-gradation to the next higher grade pay, which is at Rs.4600/-. However, his fixation on such financial up-gradation which is allowed by Clause 4 of MACPS would only be as provided under the MACPS ie: in the

identical Pay Band as available to a LP (Mail). The promotions earned in the same grade pay has to be counted for MACPS; thus entitling an employee to the higher grade pay on completion in the same grade pay for 10 years, OP(CAT).39/2013 & - 33 - whether in a single post or cumulatively in the promotional hierarchical posts carrying the same grade pay. Hence if an employee who is in the LP(Goods) gets promoted to

LP(Passenger) and LP(Mail), all within 10 years, such promotions are to be counted for MACPS and on completion of 10 years in the same grade pay, the higher grade pay has to be granted. This is the interpretation of Clause 8 and it cannot result in the financial up-gradation being declined on a promotion from one post to another, both of which carry the same grade pay and coincidentally with the same Pay Band.

24. Clause 8 cannot be applied as on 01.09.2008, the day on which MACPS was implemented, on which Clause 5 applies squarely. Hence, we found; on implementation of MACPS, the promotions or up-gradations (ACP) in the different categories, merged pursuant to implementation of VIth Pay Commission, would be ignored and financial up-gradations granted under MACPS as per Clause 5. Clause 5

applies on implementation of MACPS, as on 01.09.2008. Clause 8 applies after 01.01.2006, since there could be continuance in the same grade pay only after implementation of the VIth Pay Commission on 01.01.2006. OP(CAT).39/2013 & - 34 -

25. Clause 8 applies to the further implementation of MACPS which specifically takes in the promotional posts

and grants a financial up-gradation when a person has continued in the same grade pay for 10, 20 or 30 years, enabling such financial up-gradation by grant of the next higher grade pay. If the promotional post has the same grade pay, the financial up-gradation has to be to the next higher grade pay; if the incumbent has been drawing the same Grade Pay for ten years. In such circumstances, we are of the opinion that Clause 8 has no application insofar as Clause 5 is concerned. Clause 5 speaks of how on merger certain posts which were in the promotional hierarchy with ascending scales of pay in the pre-revised regime are to be fixed as on 01.09.2008 for the purpose of implementation of

MACPS as on that date. Clause 8 reckons/counts the promotions for the purpose of MACPS and it does not affect the financial up-gradation which is permissible only on stagnating in the same Grade Pay for 10, 20 & 30 years.

26. Under the ACPS, stagnation was with reference

to the promotional posts while under MACPS it is with reference to the Grade Pay. In the table extracted above the successive posts have different scales in the same Pay Band and different Grade Pay except in PB-2 and PB-3 with OP(CAT).39/2013 & - 35 - equivalent scale in respective Grade Pays of Rs.4,200/- and Rs.5,400/-. We also observe that there is no question of a larger benefit being conferred on up-gradation, than in a

regular promotion, as was the case in Grade- I DASS Officers' Association. This is so, for every person would be entitled to higher grade pay on completion of ten years and there cannot be an instance of a junior being enabled a promotion or a financial up-gradation, prior to a senior. We, hence, agree with the conclusion of the Tribunal, on

the different reasoning supplied by us and affirm the order

setting aside the withdrawal of the benefits already granted. We once more make it clear that this applies only to the applicants who are employed within the

jurisdiction of the CAT at Ernakulam.

The Original Petitions (CAT) would stand dismissed, leaving the parties to suffer their respective costs. Sd/- K.VINOD CHANDRAN JUDGE Sd/- P.V.KUNHIKRISHNAN JUDGE Vku/- OP(CAT).39/2013 & - 36 - APPENDIX OF OP (CAT) 39/2013 PETITIONER'S/S EXHIBITS: EXHIBIT P1 TRUE COPY OF THE OA 561/2011 ON THE FILES OF THE CAT (ERNAKULAM BENCH). ANNEXURE A1 COPY OF RAILWAY BOARD ORDER BEARING RBE NO.101/2009 DATED 10/06/2009. ANNEXURE A2 COPY OF ORDER BEARING NO. P(R)535/P/MACPS DATED 23/11/2010 ISSUED BY THE 2ND RESPONDENT. ANNEXURE A3 TRUE COPY OF MEMORANDUM BEARING NO.J/P.535/V/PR/MACP DATED 23/12/2010 ISSUED BY THE 3RD RESPONDENT. ANNEXURE A4 COPY OF MEMORANDUM NO. SA/P.524/VI/MACP/ELE/ RUNNING DATED ANNEXURE A5 A TRUE COPY OF THE LIST OF MEMBERS WHO ARE REPRESENTED IN THIS APPLICATION BY THE 1ST APPLICANT ASSOCIATION. ANNEXURE A6 A TRUE COPY OF ORDER NO.J/PR/33/2010

DATED 24/09/2010 GRANTING THE BENEFIT OF FINANCIAL UPGRADATION TO SOME OF THE MEMBERS OF PALAKKAD DIVISION BY THE 3RD RESPONDENT. ANNEXURE A7 A TRUE COPY OF ORDER BEARING NO. J/PR/35/20710 DATED 20/10/2010 ISSUED BY THE 3RD RESPONDENT. ANNEXURE A8 A TRUE COPY OF ORDER NO.SA/85/2010 DATED 12/11/2010 ISSUED BY THE 4TH RESPONDENT. ANNEXURE A9 A TRUE COPY OF ORDER NO.SA/86/2010 DATED 15/11/2010 ISSUED BY THE 4TH RESPONDENT.

ANNEXURE A10 A TRUE COPY OF RAILWAY ROAD ORDER

NO.PC V/2010/CC/10/SR DATED 17/06/2010.

ANNEXURE A11 A TRUE COPY OF RAILWAY BOARD ORDER

NO.PC-V/2009/ACP/9/SR DATED 29/10/2010. OP(CAT).39/2013 & - 37 - ANNEXURE A12 A TRUE COPY OF THE REPRESENTATION DATED

ASSOCIATION BEFORE THE 1ST RESPONDENT. EXHIBIT P2 A TRUE COPY OF THE REPLY STATEMENT FILED BY THE PETITIONERS HEREIN IN THE OA 561/2011 ON THE FILES OF THE CAT (ERNAKULAM BENCH).

ANNEXURE R1

RAILWAY BOARD'S LETTER DATED 11/09/2008.ANNEX

RESPONDENT HEREIN IN OA 647/2011 ON THE FILES OF THE CAT (ERNAKULAM BENCH) ANNEXURE A13 A TRUE COPY OF OFFICE ORDER NO.T2/4/2010 DATED 04/03/2010 ISSUED BY THE SENIOR DIVISIONAL PERSONNEL OFFICER, S. RAILWAY, PALAKKAD. ANNEXURE A14 A TRUE COPY OF OFFICE ORDER NO.SA/44/2011 DATED 21/06/2011 ISSUED BY THE SENIOR DIVISIONAL PERSONNEL OFFICER, S. RAILWAY, SALEM DIVISION. ANNEXURE A15 A TRUE COPY OF OFFICE ORDER NO.

NAG/LR/251/49/2011 DATED 08/08/2011 ISSUED BY THE SENIOR DIVISIONAL PERSONNEL OFFICER, CENTRAL RAILWAY, NAGPUR DIVISION. ANNEXURE A16 A TRUE COPY OF OFFICE ORDER NO. J/PR/12/MACP DATED 28/06/2011 ISSUED BY THE SENIOR DIVISIONAL PERSONNEL OFFICER, S. RAILWAY, PALAKKAD DIVISION. ANNEXURE A17 A TRUE COPY OF OFFICE ORDER NO. J/PF/15/2010 DATED 19/03/2010, 15/11/2010 ISSUED BY THE SENIOR DIVISIONAL PERSONNEL OFFICER, S. RAILWAY, PALAKKAD DIVISION. ANNEXURE A18 A TRUE COPY OF OFFICE ORDER NO. 61/OPTG/ADMN./2011 DATED 01/07/2011 ISSUED BY THE SENIOR DIVISIONAL PERSONNEL OFFICER, S. RAILWAY, SALEM DIVISION. EXHIBIT P4 TRUE COPY OF THE ADDITIONAL REPLY STATEMENT FILED BY THE RESPONDENTS.

OP(CAT).39/2013 &

- 38 -EXHIBIT P5

A TRUE COPY O

OA 269/2011 DATED 02/11/2011. EXHIBIT P8 TRUE PHOTOCOPY OF CIRCULAR RAILWAY BOARD RBE NO.95/2013 DATED 12.9.2013 OP(CAT).39/2013 & - 39 - APPENDIX OF OP (CAT) 3953/2012 PETITIONER'S/S EXHIBITS: EXHIBIT P1 TRUE COPY OF THE OA NO.484/2011 FILED BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH. ANNEXURE A1 COPY OF RAILWAY BOARD ORDER BEARING RBE

NO.101/2009 DATED 10.6.2009. ANNEXURE A2 COPY OF ORDER BEARING NO.P(R) 535/P/MACPS DATED 23.11.2010 ISSUED BY THE 2ND RESPONDENT. ANNEXURE A3 COPY OF MEMORANDUM BEARING NO.V/P.535/VI/VI/PC/MACP/ELEC.O.P. DATED 20.5.2011 ISSUED BY THE 3RD RESPONDENT. ANNEXURE A4 COPY OF THE LIST OF MEMBERS WHO ARE REPRESENTED IN THIS APPLICATION BY THE IST APPLICANT ASSOCIATION. ANNEXURE A5 COPY OF OFFICER ORDER NO.29/2010/ELEC.O.P DATED 3.9.2010. ANNEXURE A6 COPY OF OFFICE ORDER NO.33/2010/ELEC. O.P DATED 6.10.2010. ANNEXURE A7 COPY OF RAILWAY BOARD ORDER BEARING NO.PC-V/2010/CC/10//SR DATED 17.6.2010. ANNEXURE A8 COPY OF RAILWAY BORD ORDER BEARING NO.PC-V/2009/ACP/9/SR DATED 29.10.2010. ANNEXURE A9 COPY OF THE REPRESENTATION SUBMITTED BY THE APPLICANTS ASSOCIATION DATED 30.1.2011, ADDRESSED TO THE IST RESPONDENT. EXHIBIT P2 TRUE COPY OF THE REPLY STATEMENT IN OA NO.484/2011 FILED BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH. ANNEXURE R1 EXTRACT OF RAILWAY BOARDS LETTER NO.PC-VI/2008/I/RSRP/1 DATED 11TH SEPTEMBER 2008 (RBE NO.108/2008). EXHIBIT P3 TRUE COPY OF THE ORDER OF THE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH DATED 22ND FEBRUARY 2012 IN OA NO.484/2011. OP(CAT).39/2013 & - 40 - EXHIBIT P4 TRUE COPY OF THE ORDER OF THE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH DATED 11TH APRIL 2012 IN RA NO.15/2012 IN OA NO.484/2011. OP(CAT).39/2013 & - 41 - APPENDIX OF OP (CAT) 4220/2012 PETITIONER'S/S EXHIBITS: EXHIBIT P1 TRUE COPY OF THE OA NO.610/2011 ON THE FILES OF THE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH. ANNEXURE A3 COPY OF MEMORANDUM NO.V/P535/VI/VI PC/MACP/ELE. OP DATED 20/05/2011 ISSUED BY THE 2ND RESPONDENT. ANNEXURE A5 COPY OF LETTER NO.P(R) 535/P/MACPS DATED 23/11/2010. ANNEXURE A1 COPY OF RAILWAY BOARD'S RBE NO.101/2009 DATED 10/06/2009. ANNEXURE A2(A) EXTRACT OF OFFICE ORDER NO.29/2010/ELE.

(OP) DATED 03/09/2010 ISSUED BY THE

3RD RESPONDENT. ANNEXURE A2(B) COPY OF OFFICE ORDER NO.33/2010/ELE.(OP) DATED 01/10/2010 ISSUED BY THE 3RD RESPONDENT. ANNEXURE A4(A) COPY OF 5TH APPLICANT'S REPRESENTATION DATED 15/06/2011. ANNEXURE A4(B) COPY OF 14TH APPLICANT'S REPRESENTATION DATED 15/06/2011. ANNEXURE A6 COPY OF 1ST SCHEDULE TO RS(RP) RULES 2008 ISSUED UNDER RBE NO.108/2008 DATED EXHIBIT P2 TRUE COPY OF THE REPLY STATEMENT FILED BY

THE PETITIONERS HEREIN IN OA NO.610/2011 ON THE FILES OF THE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH.

ANNEXURE R1 TRUE EXTRACT OF RAILWAY BOARD'S LETTER NO. PC VI/2008/I/RSRP/1 DATED 11TH SEPTEMBER 2008 (RBE NO.108/2008) EXHIBIT P3 TRUE COPY OF THE ORDER DATED 22ND FEBRUARY 2012 IN OA NO.610/2011 OF THE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH. OP(CAT).39/2013 & - 42 - APPENDIX OF OP (CAT) 327/2013 PETITIONER'S/S EXHIBITS: EXHIBIT P1 TRUE COPY OF THE O.A.NO. 507/2011 ON THE FILES OF THE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH ANNEXURE A-3 COPY OF MEMORANDUM NO.V/P.535/VI/VI PC/MACP/ELE.OP DT.20-5-2011 ISSUED BY THE 2ND RESPONDENT ANNEXURE A-5 COPY OF LETTER NO. P(R).535/P/MACPS/ DT. 23-11-2010 ISSUED BY 2ND RESPONDENT ANNEXURE A-1 COPY OF RAILWAY BOARD'S RBE NO.101/2009 DATED 10-6-2009 ANNEXURE A-2 EXTRACT OF OFFICE ORDER NO. 29/2010/ELE.

(OP) DT. 3-9-2010 ISSUED BY THE

3RD RESPONDENT ANNEXURE A-4(A) COPY OF 1ST APPLICANT'S REPRESENTATION DATED 2-6-2011 ANNEXURE A-4(B) COPY OF 2ND APPLICANT'S REPRESENTATION DATED 2-6-2011 ANNEXURE A-6 TRUE COPY OF 1ST SCHEDULE TO RS(RP) RULES 2008 ISSUED UNDER RBE NO.108/2008 DATED 11-9-2008 ANNEXURE A-7(A) COPY OF SALARY SLIP NO.00223 OF THE 1ST APPLICANT FOR MAY 2011 ANNEXURE A-7(B) COPY OF SALARY SLIP NO.00224 OF THE 2ND APPLICANT FOR MAY 2011 EXHIBIT P2 TRUE COPY OF THE REPLY STATEMENT FILED BY

THE PETITIONERS HEREIN IN O.A.NO.507/2011 ON THE FILES OF THE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

ANNEXURE R-1 TRUE EXTRACT OF RAILWAY BOARD'S LETTER NO. NO.PC-VI/2008/II/RSRP/1 DATED 11TH SEPTEMBER 2008 (RBE NO.108/2008). OP(CAT).39/2013 & - 43 - EXHIBIT P3 TRUE COPY OF THE ORDER DATED 22ND FEBRUARY 2012 IN O.A. NO.507/2011 OF THE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH. OP(CAT).39/2013 & - 44 - APPENDIX OF OP (CAT) 2352/2013 PETITIONER'S/S EXHIBITS: EXHIBIT P1 TRUE COPY OF THE OA NO.3/2012 FILED BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH. ANNEXURE A1 COPY OF RAILWAY BOARD ORDER BEARING RBE NO.101/2009 DATED 10/06/2009. ANNEXURE A2 COPY OF ORDER BEARING NO. P(R)535/P/MACPS DATED 23/11/2010 ISSUED BY THE 2ND RESPONDENT. ANNEXURE A3 COPY OF MEMORANDUM NO.V/P.535/VI/VI/PC/MACP/ELE.OP. DATED ANNEXURE A4 COPY OF OFFICE ORDER NO.29/2010/ELE. (OP) DATED 03/09/2010. ANNEXURE A5 COPY OF OFFICE ORDER NO.33/2010/ELE(OP) DATED 01/06-10/2010. ANNEXURE A6 COPY OF RAILWAY BOARD ORDER NO. PC V/2010/CC/10/SR DATED 17/06/2010. ANNEXURE A7 COPY OF THE RAILWAY BOARD ORDER NO. PC V/2009/ACP/9/SR DATED 29/10/2010. ANNEXURE A8 COPY OF THE REPRESENTATION SUBMITTED BY THE ALL INDIA LOCO RUNNING STAFF ASSOCIATION DATED 30/01/2011 ADDRESSED TO THE 1ST RESPONDENT. EXHIBIT P2 TRUE COPY OF THE REPLY STATEMENT IN OA NO.3/2012 FILED BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH. EXHIBIT P3 TRUE COPY OF THE ORDER OF THE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH DATED 1ST JANUARY 2013 IN OA NO.3/2012. OP(CAT).39/2013 & - 45 - APPENDIX OF OP (CAT) 194/2016 PETITIONER'S/S EXHIBITS: EXT.P1 TRUE COPY OF OA.1125/2012 ON THE FILES OF THE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH.

ANNEXURE A1 TRUE EXTRACT OF OFFICE ORDER

NO.29/2010/ELE (OP) DATED 3.9.2010 ISSUED BY THE 2ND RESPONDENT. ANNEXURE A2 TRUE COPY OF THE APPLICANTS REPRESENTATION DATED 10.6.11 TO THE 2ND RESPONDENT. ANNEXURE A3(A) TRUE COPY OF THE PPO NO.0604208794 DATED 30.11.2011 ISSUED BY THE 3RD RESPONDENT. ANNEXURE A3(B) TRUE COPY OF LETTER NO.V/P.626/STATEMENT DATED 29.11.2011 ISSUED BY THE 2ND RESPONDENT. ANNEXURE A4 TRUE COPY OF ORDER DATED 11.4.2012 IN RA NO.15/12 IN OA NO.484/2011 PASSED BY THE HONBLE TRIBUNAL. ANNEXURE A5 TRUE COPY OF APPLICANTS REPRESENTATION DATED 20.6.2012 ADDRESSED TO THE 2ND RESPONDENT. EXT.P2 TRUE COPY OF REPLY STATEMENT IN OA ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH. ANNEXURE R1 TRUE COPY OF THE LETTER NO.V/P.535/VI/VI/MACP/ELE.OP. DATED 20.5.2011. EXT.P3 TRUE COPY OF THE REJOINDER IN OA 1125/2012 ON THE FILES OF THE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH. ANNEXURE A6 TRUE COPY OF DOP&T OFFICE MEMORANDUM NO.35034/3/2008-ESTT-D DATED 19 MAY 2009. EXT.P4 TRUE COPY OF THE ADDITIONAL RAPLY STATEMENT IN OA 1125/2012 ON THE FILES OF THE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH. OP(CAT).39/2013 & - 46 - ANNEXURE R2 TRUE COPY OF THE RAILWAY BOARD'S LETTER NO.PC-V/2009/ACP/2 DATED 13.12.2012 (RBE NO.142/2012). EXT.P5 TRUE COPY OF THE ORDER IN OA 1125/2012 DATED 28TH JANURARY 2016 OF THE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH. EXT.P6 TRUE COPY OF RBE NO.101/2009 ISSUED BY RAILWAY BOARD. EXT.P7 TRUE COPY OF THE INTERIM ORDER OF THE HON'BLE HIGH COURT OF KERALA IN OP(CAT) 39/2013 & CONNECTED CASES DATED 9TH JULY 2013. [TRUE COPY]