

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.59/2020

Dated Monday, the 20th day of January, 2020

PRESENT

Hon'ble Mr.P.Madhavan, Judicial Member

&

Hon'ble Mr.T.Jacob, Administrative Member

N.Mohan Kumar,

Medically incapacitated Station Master,

Chennai Division,

Southern Railway, Chennai 600003.

....Applicant

By Advocate M/s. Ratio Legis

Vs

1.Union of India rep by,

The General Manager,

Southern Railway,

Park Town, Chennai 600003.

2.The Senior Divisional Personnel Officer,

Chennai Division,

Southern Railway,

NGO Annexe, Park Town,

Chennai 600003.

....Respondents

By Advocate Mr. P. Srinivasan

(Order: Pronounced by Hon'ble Mr.P.Madhavan, Member(J))

Heard. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

"To call for the records related to the service book of the applicant and the representation dated 23.07.2018 and to direct the refix applicant's pay at Rs. 5000/- in the scale of pay Rs. 5000-8000 with effect from 02.11.2004 and to regularise the same on his regular promotion on 23.04.2009 with revise the same with reference to the recommendations made by the successive Central Pay Commissions and refixation of pay on alternative appointment as the Office Superintendent and to pass such other order/orders as this Hon'ble Tribunal may deem fit and proper and thus to render justice."

2. The applicant was appointed on compassionate grounds on 28.08.2003 as Assistant Station Master carrying the scale of pay of Rs.4500-7000. He was posted at KVP station to discharge the duties of Station Master III carrying the scale of pay of Rs.5000-8000 from 02.11.2004 till 23.04.2009 but due fixation of pay in terms of Rules 103 (33), 103 (39), 1306 & 1313 of the Indian Railways Establishment Code, Para 108 & 113 under Section (F) in Chapter I of the Establishment Manual and other statutory instructions issued by the Railway Board was not extended. He was promoted to the post of Station Master III on 23.04.2009 on adhoc basis. The applicant has represented on 10.06.2013 for correcting officiating pay. He was medically incapacitated to continue in the cadre of Station Master and alternatively appointed as Office Superintendent on 08.06.2017. He made further representation on 23.07.2018 for fixation of pay on officiating in the post of Station Master III. When there is no response, he has filed this OA.

3. When the matter came up for admission, learned counsel for the applicant would submit that applicant will be satisfied if his representation dated 23.07.2018 as Annexure A-6 to the competent authority regarding his grievance is considered and orders are passed, within a stipulated time limit.

4. Mr.P.Srinivasan, takes notice on behalf of the respondents and submits that the respondents have no objection for disposal of the representation of the applicant on merits.

5. In view of the limited relief sought and without going into the merits of the case, the OA is disposed of in the following lines:

"The competent authority is directed to consider the applicant's representation dated 23.07.2018 on the basis of the relevant rules and regulations and pass a reasoned and speaking order, within a period of three months from the date of receipt of a copy of this order."

**(T.JACOB)
MEMBER (A)**

20.01.2020

M.T.

**(P.MADHAVAN)
MEMBER (J)**