

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O. A. No. 1361/2001
M. A. No. 1183/2001

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New Delhi dated this the 19th day of March, 2002.

HON'BLE SHRI S.R. ADIGE, VICE CHAIRMAN (A)

HON'BLE SMT. LAKSHMI SWAMINATHAN, VICE CHAIRMAN (J)

1. Balwan Singh
S/o Sh. Sahib Ram
Parcel Porter,
New Delhi Railway station
New Delhi.
2. Kulwant Singh
S/o Sh. Nihal Singh
Sealman, TKD
under CYI TKD
3. Rohtas Singh
S/o Sh. Kali Ram
Parcel Porter,
New Delhi Railway Station
New Delhi
4. Sanjay Kumar
S/o Sh. Mangal Prasad
Parcel porter,
New Delhi Railway Station
New Delhi.
5. Sukhvir Singh
S/o Sh. Randhir Singh
Parcel porter
Nangloi Rly. Station
New Delhi.
6. Rajendra Singh
S/o Sh. Ram Jas
Parcel porter
New Delhi Rly. Station
New Delhi.

(By Advocate: Sh. M.K. Bhardwaj)

... APPLICANTS

VERSUS

1. Union of India through
The General Manager,
Northern Railway,
Baroda House
New Delhi.

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2. The Divisional Rly. Manager
Northern Railway, Delhi Divn.
DRM Office, Paharganj
New Delhi.

3. The Divisional Rly. Manager
Northern Railway, Delhi Divn.
DRM Office, Paharganj
New Delhi.á

... RESPONDENTS

(By Advocate: Sh. Rajeev Bansal)

ORDER(ORAL)

S.R. ADIGE, V.C. (A)

Applicants seeks a declaraltion that respondents action in absorbing them as luggage porters in the pay scale of Rs. 775-950 is arbitrary, and they seek a direction that they should be absorbed in the grade equivalent to that which they held before their medical decategorisation i.e grade 825-1200 with other consequential benefits.

2. We have heard Shri M.K. Bhardwaj counsel for the applicant and Shri Rajeev Bansal counsel for the respondents.

3. Shri Bansal has invited our attention to the respondents reply in which it has been stated that after having been medically decategorised from their respective posts in Railway Protection Force, in the pay scale of 825-1200, applicants were offered suitable alternative job as Luggage Porter in scale of 725-1025 between 31.1.1997 to 1.12.1997, since no post in scale 825-1200 were vacant, and as applicants had given their consent to be reabosorbed, they were adjusted against the same.

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4. During the course of hearing applicants counsel pointed out that while person junior to the applicants had been adjusted in the scale of Rs.825-1200, applicants had been adjusted in the lower scale of Rs.750-940. However, applicants have not furnished the name of any of their junior, who they claim have been adjusted in the aforesaid scale of Rs.825-1200 despite adequate opportunities given to them to do so.

5. That apart, respondents have also pointed out that this OA is time barred and therefore hit by limitation.

6. In respondents reply to the OA, in respect of para 6 of the grounds taken, it is stated that applicant have not made any representation to respondents against their grievances and have therefore not exhausted the remedies available to them.

7. We therefore dispose of this OA holding that if applicants make a self contained representation to the respondents within four weeks from today respondents should consider the same and disposed of that representation by a detailed, speaking and reasoned order in accordance with rules and instruction under intimation to the applicants within three months from the date of receipt of the representation.

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8. After disposed² of the representation if any grievance still survives it is open to applicants to agitate the same in accordance with law.

9. O.A. is disposed of accordingly. No costs.

Lakshmi Swaminathan

(SMT. LAKSHMI SWAMINATHAN)
VICE CHAIRMAN (J)

S.R. Adige

(S.R. ADIGE)
VICE CHAIRMAN (A)

RB.