

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/00316/2020

Friday this the 7th day of August, 2020

CORAM:

Hon'ble Mr. P.Madhavan, Judicial Member
Hon'ble Mr.K.V.Eapen, Administrative Member

A.M.Subair, aged 60 years
 S/o.M.Mohammed Ibrahim
 (Retired) Senior Record Sorter
 Sr.DFC/O/TVC, Thiruvananthapuram
 Residing at Aravila Kozhakethil
 (Near) Edathara MGHSS
 Pathirickal P.O, Pathanapuram (Via)
 Kollam District, Kerala State
 Ph. 8129776487

..... **Applicant**

(By Advocate :Mrs.Sindhu Santhalingam)

V e r s u s

1. Union of India, Rep. by the Secretary to Government
 Ministry of Southern Railway, Department of Southern Railway
 Government of India, New Delhi – 110 003
2. The FA & CAO/Administration
 Southern Railway, Chennai – 600 003
3. Chief Personnel Officer
 Southern Railway, Headquarters Office
 Personnel Branch, Chennai – 600 003
4. Commandant/RPF
 Southern Railway, Tiruchirappalli

5. Senior Divisional Finance Manager
 O/o the Sr.Divisional Fianance Manager
 Southern Railway, Thycaud
 Thiruvananthapuram – 695 014

.....**Respondents**

(By Advocate : Mr.Sunil Jacob Jose)

This application having been heard on 7.8.2020, the Tribunal on the same day delivered the following:

O R D E R (ORAL)

Hon'ble Mr. P.Madhavan, Judicial Member –

Applicant was appointed as Rakshak on 8.12.1982 in the Railway Protection Force. He was continuously working till 1986 without any complaints but he applicant was declared medically unfit due to poor health. Applicant temporarily joined as a Peon in the SAO(W&S) Office, GOC in 1987 with the hope that the applicant will get the post in the same grade. Annexure AIII representation has been filed before the 2nd respondent for fixation of grade pay and also to grant 3rd MACP. Following this, Annexure AIV, AV, A VI & A VIII representation were also filed, but there is no response till date. Hence he prays for the following reliefs.

"(a) Call for the records connected with the case;

(b) Direct the respondents to consider and pass orders on Annexures AIII, AV, AVI and AVIII representations in the light of AII order expeditiously.

(c) Direct the respondents to grant 3rd MACP to the applicant;

(d) Declare that the applicant is entitled to get all the monetary benefits from the date of declaration of medically unfit due to

poor health;

(e) Declare that the applicant is entitled to get 3rd MACP in the light of Annexure AII order

(f) grant such other relief, which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case."

2. Advocate Mr.Sunil Jacob Jose takes notice on behalf of respondents.
3. Counsel for the respondents has no objection to consider the representations filed the applicant in the light of relevant rules and guidelines on the subject.
4. **In view of the limited prayer, the Competent Authority is directed to consider Annexure A-5 and A-8 representations filed by the applicant in the light of Annexure A-2 circular and in the light of relevant rules and regulations and pass a reasoned and speaking order within a period of two months from the date of receipt of a copy of this order.**
5. The Original Application is disposed of as above, at the admission stage itself. No costs.

(K.V.EAPEN)
ADMINISTRATIVE MEMBER

(P.MADHAVAN)
JUDICIAL MEMBER

List of Annexures

Annexure A1 : A true copy of the letter dtd. 22/7/1986 issued by the 4th respondent

Annexure AII : A true copy of the letter dated 31.5.2005 issued by the Railway Board

Annexure AIII : A true copy of the representation dated 28.10.2014 filed by the applicant before the 2nd respondent

Annexure AIV : A true copy of the Order dated 13/1/2015 of the 5th respondent appointing the applicant as Senior Record Sorter

Annexure AV : A true copy of the representation dated 16/1/2017 filed by the applicant before the 2nd respondent

Annexure AVI : A true copy of the representation dated 3/1/2018 filed by the applicant before the 2nd respondent

Annexure A VII : A true copy of the letter dated 20/3/2018 issued by the 5th respondent

Annexure A VIII : A true copy of the representation dated 15/1/2019 filed by the applicant before the 5th respondent.

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