

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/00445/2020

Friday, this the 25th day of September, 2020

CORAM:

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

1. Stella Razak, aged 56 years,
 W/o. P.S. Abdul Razak,
 Accounts Assistant, Accounts Branch,
 Southern Railway, Divisional Office,
 Thycaud, Thiruvananthapuram – 695 014,
 Residing at T.C. 24/2629, East Cliff Lane,
 Kowdiar PO, Thiruvananthapuram District,
 Pin – 695 003, Mob.:9496746280.
2. K. Sreekumar, aged 52 years,
 S/o. Kunjikrishnan Nair,
 Accounts Assistant, Accounts Branch,
 Southern Railway, Divisional Office,
 Thycaud, Thiruvananthapuram – 695 014,
 Residing at Sree Deepam, Naduvathu
 Nilayam Kavu, Edakode,
 Nemom PO, Thiruvananthapuram
 District, Pin – 695 020, Mob. : 9447888114.
3. Ajitha T. Nair, aged 52 years,
 W/o. S. Thulaseedharan Nair,
 Accounts Assistant, Accounts Branch,
 Southern Railway, Divisional Office,
 Thycaud, Thiruvananthapuram – 695 014,
 Residing awt Revathi, Gandhinagar,
 Kuthirakulam PO, Vembayam,
 Thiruvananthapuram district, Pin-695 615,
 Mob.: 9446506750.
4. R. Jayakumar, aged 56 years,
 S/o. R. Raveendran, Accounts Assistant,
 Accounts Branch, Southern Railway,
 Divisional Office, Thycaud,
 Thiruvananthapuram – 695 014,
 Residing at No. 85-K, Railway
 Quarters, Poojapura, Thiruvananthapuram
 District, Pin – 695 012, Mob. : 9495152791. **Applicants**

(By Advocate : Mr. T.C. Govindaswamy)
V e r s u s

1. Union of India, represented by the General Manager, Southern Railway, Headquarters Office, Park Town PO, Chennai- 600 003.
2. The Principal Financial Advisor, Southern Railway, Headquarters Office, Park Town PO, Chennai – 600 003.
3. The Financial Advisor & Chief Accounts Officer, Southern Railway, Headquarters Office, Park Town PO, Chennai – 600 003.
4. The Senior Divisional Finance Manager, Southern Railway, Divisional Office, Thycaud, Thiruvananthapuram, 895 014. **Respondents**

(By Advocate : Mr. Sunil Jacob Jose)

This application having been heard on 25.09.2020 through video conferencing, the Tribunal on the same day delivered the following:

O R D E R (Oral)

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

Heard Advocate Mr. T.C. Govindaswamy appearing for the applicants and Advocate Mr. Sunil Jacob Jose appearing for the respondents through video conferencing.

2. The applicants are working as Accounts Assistant and they are aggrieved by Annexure A1 order by which the 3rd financial upgradation granted to them in PB-2 plus Grade Pay of Rs. 4,600/- (level 7 of the pay matrix) stands withdrawn with retrospective effect without giving notice to applicants in complete violation of the principles of natural justice and the applicants are subjected to substantial prejudice, irreparable injury and

recurring monthly losses in salary and also heavy loss in pensionary benefits. Aggrieved they have filed this OA seeking reliefs as under:

- “(i) Call for the records leading to the issue of Annexure A1 and quash the same to the extent it relates to the applicants;*
- (ii) Direct the respondents to grant all the consequential benefits as if Annexure A1 has not been issued at all;*
- (iii) Award costs of and incidental to this application;*
- (iv) Pass such other orders or directions as deemed just, fit and necessary in the facts and circumstances of the case.”*

3. When the matter came up for consideration today, learned counsel for the applicants submitted that the applicants have filed representations Annexures A10 to A13 but that was not considered by the respondents till date. No notices were also issued to the applicants before issuing the order of recovery. The applicants will be satisfied if their representations are considered and an order is passed by the respondents in view of the relevant rules and regulations and till then Annexure A1 may be kept in abeyance.

4. Learned counsel appearing for the respondents submitted that they have no serious objection in considering the representations filed by the applicants by passing a speaking order.

5. In view of the limited relief sought by the applicants, without going into the merits of the case, the competent authority is directed to consider Annexures A10 to A13 representations filed by the applicants after giving notice to the applicants for hearing and pass a reasoned and speaking order on the basis of the relevant rules, regulations and

decisions on the subject within a period of three months from the date of receipt of a copy of this order. The respondents are directed not to take any action on the basis of Annexure A1 till the representations are disposed of.

6. The Original Application is disposed of as above at the admission stage itself. No order as to costs.

**(K.V. EAPEN)
ADMINISTRATIVE MEMBER**

**(P. MADHAVAN)
JUDICIAL MEMBER**

“SA”

Original Application No. 180/00445/2020

APPLICANTS' ANNEXURES

Annexure A1 – True copy of letter No. P.535/TVs/Admn/MACP dated 10.8.2020 issued by the 2nd respondent with its enclosures.

Annexure A2 – True copy of the order bearing RBE No. 101/2009 dated 10.6.2009 issued by the Railway Board.

Annexure A3 – True copy of memorandum No. G 179/TVC/Admn/2014-15/16 dated 2.9.2014 issued by the fourth respondent.

Annexure A4 – True copy of the judgment in WP(C) No. 17806/2007 dated 27.3.2012 rendered by the Hon'ble High Court of Kerala.

Annexure A5 – True copy of order bearing No. P.535/HQA/MACPS/Admn/Vol.I/21 dated 27.8.2012 issued by the 3rd respondent Financial Advisor and Chief Accounts Officer.

Annexure A6 – True copy of the memorandum No. P.535/TVC/Admn/MACPs dated 4.9.2012 issued by the 4th respondent.

Annexure A7 – True copy of memorandum No. P.535/HQA/MACPS/Admn/Vol.I/44 dated 14.2.2020, issued from the office of the 2nd respondent.

Annexure A8 – True copy of the representation dated 24.10.2019 submitted by the 1st applicant.

Annexure A9 – True copy of the representation dated 24.10.2019 submitted by the 3rd applicant.

Annexure A10 – True copy of representation dated 4.9.2020 submitted by the 1st applicant.

Annexure A11 – True copy of the representation dated nil submitted by the 2nd applicant.

Annexure A12 – True copy of the representation dated 4.9.2020 submitted by the 3rd applicant.

Annexure A13 – True copy of the representation dated nil submitted by the 4th applicant.

RESPONDENTS' ANNEXURES

Nil

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