

**Central Administrative Tribunal
Ernakulam Bench**

O.A No.180/00554/2021

Friday, this the 22nd day of October, 2021

CORAM:

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

Surendar Singh, aged 39 years,
S/o Gabbar Singh, Trackman Gr-I,
Office of the Senior Section Engineer,
Southern Railway, Permanent Way,
Kasaragode.

- Applicant

(By Advocate: Mr.U.Balagangadharan)

Versus

1. The General Manager,
Southern Railway,
Park Town, Chennai – 600003,
 2. The Senior Divisional Personnel Officer,
Southern Railway, Palakkad,
Olavakkode (PO), Palakkad – 678002,
 3. The Chief Administrative Officer,
Southern Railway, Construction,
Egmore, Chennai – 600008,
 4. Senior Section Engineer,
Office of the Senior Section Engineer,
Southern Railway, Permanent Way,
Kasaragode - 671315
- Respondents

(By Advocate: Mr.Sunil Jacob Jose)

The O.A having been heard on 22nd October 2021 through video conferencing, this Tribunal delivered the following order on the same day:

O R D E R (ORAL)

P.Madhavan, Judicial Member

This Original Application has been filed by the applicant seeking the following reliefs:

“(i) Direct the 2nd respondent to draw and disburse back wages to the applicant from 12.07.2007 to 14.07.2011 with interest at GPF rate;

(ii) Direct the 2nd respondent to sanction entitled increments, financial up-gradations and such other service benefits treating the applicant to have continued in service untrammelled by his absence from 12.07.2007 to 14.07.2011;

(iii) Direct the 2nd respondent to grant him entitled promotions to the applicant at par with his immediate junior with consequential benefits like arrears of pay and allowances, seniority etc;

(iv) Declare that the applicant is entitled to get back wages, continuity service and attendant benefits treating him to have continued in service untrammelled by his absence from 12.07.2007 to 14.07.2011 and such other benefits entitled to him at par with his immediate junior;

(v) Such other reliefs that the Hon'ble Tribunal deem fit in the facts and circumstances of the case.

2. The brief facts of the case are as follows:

The applicant – who is now working as Trackman Gr-I is aggrieved by non-disbursement of back wages from 12.07.2007 to 14.07.2011. The applicant was illegally terminated and he was reinstated in service with all back wages continuity of service and attendant benefits as directed by the Industrial Tribunal-cum-Labour Court, Chennai vide Annexure A-1. However, he is still not paid back wages, attendant benefits and such other service benefits like promotion, seniority etc. at par with his immediate junior. Hence, the applicant have approached this Tribunal praying for the above reliefs.

3. When the matter came up for consideration, it appears that the Industrial Tribunal, Chennai has already adjudicated the matter and it has already ordered that back wages has to be released to the applicant. The representation to that effect is pending as Annexure A6 and it is not disposed of by the respondents.

4. Adv.Mr.Sunil Jacob Jose takes notice on behalf of the respondents and submits that the respondents have no objection in disposing of the representations.

5. In view of the above circumstances, we hereby direct the respondents to consider Annexure A6 order in the light of the decision of the Industrial Tribunal referred to herewith and pass a speaking and reasoned order within a period of three months from the date of receipt of a copy of this order.

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

(K.V.Eapen)
Administrative Member

(P.Madhavan)
Judicial Member

bp

List of Annexures

- Annexure A1 - A true copy of the award dated 15.11.2010 in ID: 27/2008 of the Industrial Tribunal-cum-Labour Court, Chennai.
- Annexure A2 - A true copy of the letter No.P363/I/CN/MS/Law/ID dated 04.02.2012 of the third respondent.
- Annexure A3 - A true copy of the representation dated 02.02.2015 submitted by the applicant to the first respondent.
- Annexure A4 - A true copy of the message dated 15.09.2020.
- Annexure A5 - A true copy of the message received from one of the respondent dated 09.10.2020.
- Annexure A6 - A true copy of the representation dated 16.03.2021 submitted by the applicant to the second respondent.

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