

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.NO. 43 OF 2007

Friday, this the 19th day of September, 2008.

CORAM:

**HON'BLE Mr. GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE Dr. K.S.SUGATHAN, ADMINISTRATIVE MEMBER**

T.Moideen

Diesel Assistant Loco Pilot
Southern Railway
Shoranur

Applicant

(By Advocate Mr. P.Santhosh Kumar)

v.

1. Union of India represented by the General Manager
Southern Railway, Headquarters
Park Town, Chennai

2. The Chief Personnel Officer
Southern Railway
Chennai

3. The Senior Divisional Personnel Officer
Southern Railway
Palakkad

Respondents

(By Advocate Mr. Thomas Mathew Nellimoottil)

The application having been heard on 19.09.2008, the Tribunal
on the same day delivered the following:

ORDER

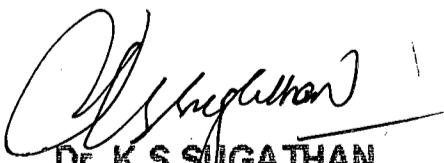
HON'BLE Mr. GEORGE PARACKEN, JUDICIAL MEMBER

The applicant was initially appointed as Loco Khalasi on 20.10.1978. Due to dieselisation in Palghat Division, he was rendered surplus. Some of them were retained in the Station Loco Shed where the applicant was working and others were transferred to some other Departments. The applicant has opted to remain in Station Loco shed itself. Later on, his juniors who were transferred to other Departments have earned their promotion as Diesel Assistants. Subsequently, he was

also promoted as Diesel Assistant. Obviously, the applicant was getting lower pay than his juniors who got their promotion earlier. He has, therefore, made a representation to the respondents on 16.06.2001 (Annexure A-1) for protection of his pay alongwith his juniors. He also made Annexure A-2 and A-3 representations dated 20.11.2001 and 19.06.2006 respectively. But the respondents have not entertained his representations stating that they were barred by limitation. Learned counsel for the Applicant has submitted that the respondents were duty bound to consider those representations and to take decision in the matter under intimation to him.

2. In our considered opinion, there is no bar of limitation for considering these representations which are not statutory in nature. Respondents should have examined those representations on merit based on the existing rules and instructions on the subject. We, therefore, direct that the respondents shall consider those representations in accordance with rules and dispose of them by passing a detailed and speaking order within three months from the date of receipt of a copy of this order. There shall be no order as to costs.

Dated, the 19th September, 2008.



Dr. K.S. SUGATHAN
ADMINISTRATIVE MEMBER



GEORGE PARACKEN
JUDICIAL MEMBER

vs