

FREE COPY U/R 22
OF C.A.T. (PROCEDURE) RULES

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.428/2001 and O.A.429/2001.

Tuesday this the 22nd day of May 2001.

CORAM:

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

O.A.428/2001:

Baburaj Vallassery,
Tower Wagon Driver,
Office of the Senior Section Engineer,
Over Head Equipments/Traction Distribution.
Southern Railway, Shornur. **Applicant**

(By Advocate Shri TC Govindaswamy)

Vs.

1. Union of India represented by the
Secretary to the Government of
India, Ministry of Railways,
Rail Bhavan, New Delhi.
2. The General Manager,
Southern Railway,
Head Quarters Office,
Park Town P.O., Chennai-3.
3. The Divisional Railway Manager,
Southern Railway,
Palghat Division, Palghat.
4. The Senior Divisional Personnel
Officer, Southern Railway,
Palghat Division,
Palghat.

Respondents

(By Advocate Shri K.V.Sachidanandan)

O.A.429/2001:

K.M.Balasubramanian,
Tower Wagon Driver,
Office of the Senior Section
Engineer, Over Head Equipments/
Traction Distribution,
Southern Railway, Erode.

Applicant

(By Advocate Shri T.C.Govindaswamy)

Vs.

1. Union of India represented by the
Secretary to the Government of India,
Ministry of Railways,
Rail Bhavan, New Delhi.

2. The General Manager,
Southern Railway,
Head Quarters Office,
Park Town P.O.,
Chennai-3.
3. The Divisional Railway Manager,
Southern Railway, Palghat
Division, Palghat.
4. The Senior Divisional Personnel
Officer, Southern Railway,
Palghat Division,
Palghat.

Respondents

(By Advocate Shri Mathews J. Nedumpara)

The applications having been heard on 22nd May 2001,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN

The issue involved in both these applications are one and the same and hence, these applications are being heard and disposed of by this common order at the stage of admission itself.

2. The applicants in these two cases are Tower Wagon Drivers working in the Office of the Senior Section Engineer, Shornur and Erode of Southern Railway. Their grievance is that while Tower Wagon Driver in the other divisions of Southern Railway and all over India are getting a pay scale of Rs. 4500-7000, the applicants alone are left in the lower pay scale of Rs.4000-6000. They have made representations to the 2nd respondent. Annexure A-8 in O.A.428/01 is the representation made by the applicant in that case and Annexure A-8 in

O.A.429/01 is the representation made by the applicant in that case. These representations are yet to be considered and disposed of. Finding no response to these representations, the applicants have filed these applications for a declaration that the grant of scale of pay of Rs.1200-1800/4000-6000/- to the applicants as Tower Wagon Driver of Palghat Division is arbitrary, discriminatory, unreasonable and unconstitutional and for a declaration that the applicants are entitled to be granted the scale of pay of Rs.5000-8000, on par with Goods Drivers and for necessary directions.

2. We have heard the learned counsel on either side. The applicants' grievance has been projected in the representations made by them to the General Manager. It is appropriate that the General Manager considers the representations and takes an appropriate decision. Judicial intervention at this stage may not be advisable or necessary. The learned counsel of the applicants submitted that the applicants in these cases may be permitted to make supplementary representations and the General Manager, Southern Railway may be directed to dispose of the same with reasoned orders. The counsel of the respondents also have no objection.

3. In the result, these applications are disposed of permitting the applicants to make supplementary representations to the second respondent and directing the second respondent to

consider Annexure A-8 representation, as also the supplementary representations and dispose of them with reasoned orders within a period of two months from the date of receipt of supplementary representations. No costs.

Dated the 22nd May, 2001.

Sd/-
(T.N.T.NAYAR)
ADMINISTRATIVE MEMBER

Sd/-
(A.V.HARIDASAN)
VICE CHAIRMAN

rv

List of Annexure referred in the Order :

Annexure A-8: True copy of the representation dated 16.1.2000 submitted by the applicant to the 2nd respondent.

~~CERTIFIED TRUE COPY~~

~~Date~~

~~Deputy Registrar~~