

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.439/2002.

Friday this the 5th day of July 2002.
CORAM:

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

1. M.S.Muthuvel, Ticket Collector,
Southern Railway, Karoor.
2. M.Jayachandran, Ticket Collector,
Southern Railway, Karoor.
3. K.Vaitheeswaan, Ticket Collector,
Southern Railway, Tiruppur.
4. S.Kannan, Ticket Collector,
Southern Railway, Salem.
5. D.Rajakani, Ticket Collector,
Southern Railway, Tiruppur.
6. G.Krishnamoorthy, Ticket Collector,
Southern Railway, Tiruppur.. Applicants

(By Advocate M/s Santhosh and Rajan)

Vs.

1. Union of India, represented by
the General Manager, Southern Railway,
Chennai.
2. The Divisional Railway Manager,
Southern Railway, Palakkad Division,
Palakkad.
3. The Senior Divisional Personnel Officer,
Southern Railway, Palakkad Division,
Palakkad. Respondents

(By Advocate Smt.Rajeswari Krishnan)

The application having been heard on 5th July, 2002
the Tribunal on the same day delivered the following:

O R D E R

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

The applicants who were originally appointed as Traveling
Ticket Examiners in the scale of Rs. 4000-6000 in the Jhansi
Division of the Central Railway sought for an inter-Railway
Transfer to the Southern Railway and they were reverted as Ticket

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Collectors and transferred to Southern Railway. Their grievance is that the pay which they have been drawing in the higher scale of Rs.4000-6000 has not been protected as is required to be done in terms of the provisions contained in paragraph 604 (a) (a) (ii) of Indian Railway Establishment Manual which reads as follows:

" PERMANENT GOVERNMENT SERVANTS--In the case of permanent Government servants officiating in higher post and transferred to officiate in railway posts which are lower than the previous officiating posts, the previous officiating service in the higher posts should be allowed to count for increments."

Their representation in that behalf is still pending consideration by the respondents. Since the applicants have not got any response so far, they have filed this application for a declaration that they are entitled for protection of pay which they were drawing in scale Rs.4000-6000 in Jhansi Division on their transfer to the post of Ticket collector in Palghat Division of the Southern Railway and for appropriate direction to the respondents accordingly.

2. When the matter came up for admission Smt.Rajeswari Krishnan took notice for the respondents. Counsel on either side agree that the application may be disposed of permitting the applicant to make a joint and consolidated representation inviting attention to the relevant provisions of IREM as also the ruling of the Tribunal and with a direction to the 2nd respondent that if such a representation is received the same shall be considered in the light of the said rules, rulings and instructions on the subject within a reasonable time.

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3. In the light of the above submission made by the learned counsel on either side, we dispose of the application permitting the applicants 1 to 6 to make a joint and consolidated representation to the 2nd respondent inviting attention to the relevant provisions of IREM or any other instructions as also rulings on the subject and directing the second respondent that if such a representation is received within a month, the same shall be considered in the light of the rules, rulings and instructions on the subject and an appropriate reply be given to the applicant within two months from the date of receipt of the representation. There is no order as to costs.

Dated the 5th July 2002.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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APPENDIX

Applicants Annexures:

1. A-1 : True copy of letter No.P/400/10/2/5A/CA/Pt.II dated 5.3.99 of the Divisional Railway Manager, Jhansi.
2. A-2 : True copy of Office Order No.4/99 dated 15.3.99 of the Chief Personnel Officer, Southern Railway, Chennai.
3. A-3 : True copy of Office Order No.3/TC 7/99 dated 22.3.99 of the 3rd respondent.
4. A-4(a): True copy of first applicant's last pay certificate dated 8.3.99.
5. A-4(b): True copy of second applicant's last pay certificate dated 8.3.99.
6. A-4(c): True copy of third applicant's last pay certificate dated 8.3.99.
7. A-4(d): True copy of fourth applicant's last pay certificate dated 8.3.99.
8. A-4(e): True copy of fifth applicant's last pay certificate dated 8.3.99.
9. A-4(f): True copy of sixth applicant's last pay certificate dated 8.3.99.
10. A-5 : True copy of 4th applicant's pay slip for the month ending March, 2000.
11. A-6 : True copy of this Hon'ble Tribunal's judgment dated 10.12.96 in OA No.1041/95.
12. A-7 : True copy of Office Order No.T 21/97 dated 14.5.97 of the 3rd respondent.
13. A-8 : True copy of first applicant's representation dated 7.7.99 addressed to the 2nd respondent.
14. A-9 : True copy of Railway Board's letter No.P(E) II/91/Misc./2 (Pt) dated 2.12.96.
