

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.455/2006

Monday, August 13, 2007

CORAM :

**HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN
HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER**

N Ramesh
Station Master/Gr-III,
Southern Railway,
Ernakulam Marshalling Yard,
West Cabin.

Permanent Address:
Natesa Mandiram,
Krishnapuram, Kayamkulam. ... Applicant
By Advocate Mr.T.C.G.Swamy

V/s.

- 1 Union of India
represented by General Manager,
Southern Railway, Headquarters Office,
Park Town PO, Chennai-3.
- 2 Chief Personnel Officer
Southern Railway, Headquarters. Office,
Park Town, Chennai-3
- 3 Senior Divisional Personnel Officer
Southern Railway, Trivandrum Division,
Trivandrum
- 4 Senior Divisional Personnel Officer
Southern Railway, Madras Division,
Chennai. ... Respondents

By Advocate Mrs.Sumathi Dandapani Sr
Ms.P.K.Nandini

The application having been heard on 13.8.2007 the Tribunal, on the same day delivered the following:

(ORDER)

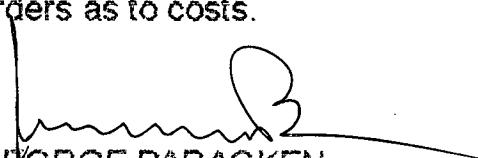
Hon'ble Mrs.Sathi Nair, Vice Chairman

1 The applicant who is working as a Station Master in the scale of Rs.5000-8000 in the Trivandrum Division of Southern Railway is aggrieved by Annexure A-13 letter dated 30/6/2005 issued by the third respondent refusing to fix his pay in accordance with the law.

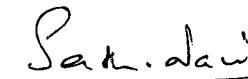
2 In the light of the decision of the Hon'ble High Court of Kerala dated 4/3/2005 in O.P.Nos.38016 of 2001-S and others and the decision of the Hon'ble High Court of Judicature at Madras dated 8/7/2005 in Writ Petition Nos.16172 of 1998 and others (a copy of the same has been produced before us), and also the decisions of this Bench in OA Nos.701/05 and 703/05 dated 22/6/2007(copies produced before us) and the decision in OA Nos.1041/95, 403.97, 893/97 and 18/99, and the case of the applicant in this OA being similar, this OA has to be allowed. It is also seen that the issue had been referred to the DOP&T in view of the various aforesaid directions. The documents (Annexure-MA-1(1)&(2)) produced by respondents show that the DOP&T has also taken the view that in the cases of transfer from a higher post to a lower post at own request under FR 15(a), the pay of a Government servant holding a post on regular basis will be fixed in the lower scale at a stage equal to the pay drawn by him in the higher grade and If no such stage is available, the pay will be fixed at the stage next below the pay drawn by him in the higher

post and the difference may be granted as personal pay to be absorbed in future increments.

3 In the light of the above facts, the OA is allowed. The respondents shall fix the pay of the applicant in accordance with the abovementioned directions of the Department of Personnel & Training. This shall be done within four weeks of the date of receipt of this order. There will be no orders as to costs.



GEORGE PARACKEN
JUDICIAL MEMBER



SATHI NAIR
VICE CHAIRMAN

abpsn