

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A.NO.472/1997

Tuesday this the 12th day of August, 1997.

CORAM

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

HON'BLE MR. S.K. GHOSAL, ADMINISTRATIVE MEMBER

1. P.V.Vinotha Kumar, A.C.Mechanic Grade II,  
Office of the Senior Section Engineer,  
A/C, Southern Railway,  
Trivandrum residing at Ramavilasam,  
Vengannoor, Trivandrum.

2. T.Gopakumaran Nair, A/C Mechanic Grade II,  
Office of the Senior Section Engineer,  
AC Southern Railway, Trivandrum,  
residing at Quarter No.C.III-27, Regional  
Telephone Training Centre, Karamanam, Trivandrum.

..Applicants

(By Advocate Mr. M.R.Rajendran Nair)

Vs.

1. Union of India, represented by  
General Manager, Southern Railway,  
Park Town, Madras.3.

2. The Senior Divisional Personnel  
Officer, Southern Railway, Thycaud,  
Trivandrum.14.

3. Senior Divisional Personnel Officer,  
Southern Railway, Palghat.

4. The General Manager, Southern Railway,  
Madras.

...Respondents

(By Advocate Mrs. Sumati Dandapani)

The application having been heard on 12.8.1997, the Tribunal on the same day delivered the following:

O R D E R

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

The grievance of the applicants is in regard to denial of their claim for fixation of pay at par with their juniors. The applicants earlier filed an application for similar relief, which was disposed of with a direction to the concerned respondents to consider their representations in accordance with the rules and to give them a speaking order. A speaking order (A7) was given to them in 1993. However, finding that another junior of the applicant Sasikumar has been given a higher fixation

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on par with his juniors on the same ground on which the applicants had claimed fixation of pay, The applicants made a representation to the Chief Personnel Officer, to which they received a reply (A-10) on 31.1.97. The applicants having not obtained the reliefs which they sought, filed this application for a declaration that they are entitled to have their pay fixed on par with their junior Shri V.P.Ravi.

2. The respondents have filed a reply opposing the admission of this application on the ground that the claim is barred by delay and laches. However, when the application came up for hearing, learned counsel on either side agreed that if the applicants make representations projecting their grievances to the General Manager, respondent No.4 who has been now impleaded, he would consider the case of the applicants in accordance with law and give the applicants a speaking order.

3. In the light of the above submission of the learned counsel on either side, the application is disposed of with a direction to the applicants to make representations to the 4th respondent General Manager, projecting their grievances in regard to fixation of their pay within two weeks from today and with a direction to the 4th respondent that if such representations are received within the said period from the applicants, he shall consider the same in accordance with rules and instructions on the subject and give them a speaking order within a period of two months from the date of receipt of the representations. No costs.

Dated 12th day of August, 1997.

  
S.K. GHOSAL  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN

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LIST OF ANNEXURES

1. Annexure A-7 : Order No.V/P.535/VIII/AC/PNM/FNM  
Dt. 2-7-93 issued by the 2nd respondent.
2. Annexure A-10: Order dated 31-1-97  
No.V/P.535/VIII/AC/PNM FNM issued by  
the 2nd respondent.

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