

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 521 of 1992
~~T. A. No.~~

DATE OF DECISION 6-4-1992

K Siva Thanu Pillai Applicant (s)

Mr P Sivan Pillai Advocate for the Applicant (s)

Versus

Union of India & 2 others Respondent (s)

Mrs Sumathi Dandapani Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. AV Haridasan, Judicial Member

XXXXXXXXXX

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *Yes*
3. Whether their Lordships wish to see the fair copy of the Judgement? *Yes*
4. To be circulated to all Benches of the Tribunal? *Yes*

JUDGEMENT

The applicant is working as a Diesel Driver Instructor in the scale of Rs.2000-3200, at Nagarcoil in Trivandrum Division of the Southern Railway. He was initially promoted and appointed as Diesel Driver Instructor in the scale of Rs.700-900 on 4.8.1981 while he was working as Driver-A in grade Rs.550-700. The grievance of the applicant is that being promoted as Diesel Driver Instructor, as per Railway Boards orders at Annexure-A1 and A3, he should have been given an option to choose either the pay scale of the Diesel Driver Instructor or to retain his pay in the substantive post with 30% running

..2...

allowance as special pay and that this option was not given to him. The applicant has stated that because of this denial of an opportunity he is incurring recurring of Rs.1000/- per month. Inviting attention of the authorities concerned, to this the applicant had made representations. It is finding that it did not evince any response that he has now approached this Tribunal in this application filed under Section 19 of the Administrative Tribunals Act. In one of his representations, a copy of which is at Annexure-A6, the applicant had invited attention of the Chief Personnel Officer to the decision of the Madras Bench of the Tribunal in OA-340/88 enclosing a copy thereof in which according to the applicant, identical situation was considered and the Railway Administration was directed to give the applicant therein the benefit of option. The applicant has averred that inspite of this representation, the authorities have not taken care to redress his grievance.

2. When the application came up for admission, it was agreed by the counsel on either side that it would be appropriate if the application is disposed of with a direction to the concerned authorities to consider the representations if pending and dispose of the same within

a reasonable time and if the representation has already been disposed of, to have a copy of the final decision taken served on the application.

3. In the circumstances, I admit the application and dispose of the same with a direction to the second respondent to consider the claim of the applicant put forth in Annexure-A4 and A6 representations and to dispose of the same within a period of three months from the date of communication of this order with a speaking order. In case the representation has already been disposed of since the applicant has asserted that he has not received a copy of the final decision, a copy of the decision should be served on him within the said period of three months. If in case the representations are not traceable with the respondents, I direct that the copies of Annexure-A4 and A6 available in the case files given to the respondents may be made use of for this purpose.

4. There is no order as to costs.



(AV HARIDASAN)
JUDICIAL MEMBER
6-4-1992