

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.524/2001

Tuesday this the 11th day of September, 2001

CORAM

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

P.Prasanth Kumar,
Ticket Collector,
Information Centre,
Mangalore Railway Station,
Mangalore.

...Applicant

(By Advocates M/s CT Ravikumar & Saira Ravikumar)

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

...Respondents

(By Advocate Mr.K.Karthikeya Panicker)

The application having been heard on 11.9.2001, the
Tribunal on the same day delivered the following:

O R D E R

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

The applicant who was working as Caneman in the
scale Rs.1200-1800 having been rendered surplus was
after screening re-deployed as a Ticket Collector in the
scale Rs.950-1500 by order dated 1.12.1994 of the
Divisional Personnel Officer, Palakkad with the
conditions, inter alia, that he would rank junior to all
the Ticket Checking staff working in the Palakkad
Division permanent and temporary etc. However, the pay
of the applicant was protected. The applicant accepted
the appointment by re-deployment as Ticket Collector in
the scale Rs.950-1500. When his request for retention of

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seniority was not acceded to and pay was only protected in the scale Rs.950-1500 even on the discussion at the PNM meeting on 9.10.98 the applicant made a representation on 6.6.2000 requesting that the question of revision of seniority and accommodation in the proper scale may be reconsidered in the light of the Circular No.E(NG)11/34/RE/1/10 dated 21-4-89. Finding no response to this representation, the applicant has filed this application for a declaration that the condition imposed in Annexure.A3 (the order of re-deployment of the applicant as Ticket Collector in the scale Rs.950-1500) are not applicable to the extent they are detrimental to the service prospects of the applicant and for a direction to the respondents to consider Annexure.A6 representation in the light of the circulars dated 15.1.82 and 21.4.89 and to grant him all consequential service and monetary benefits.

2. We have perused the application and all the annexure appended thereto and have heard Smt.Saira Ravikumar, learned counsel for the applicant and Shri K.Karthikeya Panicker, learned counsel of the respondents. We find no subsisting cause of action of the applicant which calls for admission of this application at this stage as way back in the year 1994 the applicant accepted re-deployment and appointment as Ticket Collector in the scale Rs.950-1500 on being rendered surplus. The applicant could be accommodated only as Ticket Collector in the scale Rs.950-1500 and this was done. If the applicant had a case that in accordance with the circulars dated 15.1.82 and 21.4.89 the applicant ^{should} have been accommodated on another post carrying the pay scale Rs.1200-1800 or could have been given that scale of pay, the applicant should not have accepted the re-deployment as Ticket Collector in

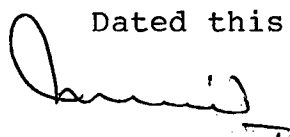
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the scale Rs. 950-1500 and should have agitated the issue then and there. Having accepted the appointment as Ticket Collector in the scale Rs. 950-1500 in the year 1994 accepting the conditions stipulated in the applicant cannot be heard Annexure.A3 order /to claim now that the condition in Annexure.A3 are not applicable to him and that he should be given the scale of pay of Rs.1200-1800 on appointment as Ticket Collector while the scale of pay of the post of Ticket Collector was only Rs.950-1500.

3. In the light of what is stated above, finding nothing in this application which calls for its admission and further deliberation, the application is rejected under Section 19(3) of the Administrative Tribunals Act.

Dated this the 11th day of September, 2001


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

(s)

APPENDIX

1. Annexure-A1 : A true copy of letter No.C.353/190/91/
Law dt.18.9.1992 of the Assitant Law
Officer, Head Quarters Law Branch to the
Divisional Personnel Officer, Palakkad.
2. Annexure-A2 : A true copy of Memorandum No.J-P.510/
VIII/JT/2125 dt.23.11.94 of the Divisional
Personnel Officer, Palakkad.
3. Annexure-A3 : A true copy of the Office Order No.J/TC37/
94 dt.1.12.1994 of the Divisional Perso-
nnel Officer, Palakkad.
4. Annexure-A4 : A true copy of the letter No.J/P.721/GA
dt.12.5.98 of the Divisional Personnel
Officer, Palakkad to the Applicant.
5. Annexure-A5 : A true relevant extract of brief of sub-
jects to be discussed i.e, FNM by Senior
Personnel Officer/Labour.
6. Annexure-A6 : A true copy of the rep.dt.6.6.2000 of the
applicant to the Divisional Railway
Manager, Palakkad Division.