

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.551/05

Friday this the 22nd day of July 2005

C O R A M :

HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER
HON'BLE MR.N.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

K.P.Janardhanan,
S/o.K.Gopalan,
Loco Pilot (Goods), Southern Railway,
Ernakulam Marshalling Yard.
Permanent address : Kunjiparambath House,
Peringadi, Canannore District.

Applicant

(By Advocate Mr.T.C.Govindaswamy)

Versus

1. Union of India represented by
the General Manager, Southern Railway,
Headquarters Office, Park Town,
Chennai - 03.
2. The Senior Divisional Mechanical Engineer,
Southern Railway, Trivandrum Division,
Trivandrum - 14.
3. The Additional Divisional Railway Manager,
Southern Railway, Trivandrum Division,
Trivandrum - 14.
4. The Senior Divisional Personnel Officer,
Southern Railway, Trivandrum Division,
Trivandrum - 14.

Respondents

(By Advocate Mr.Thomas Mathew Nellimoottil)

This application having been heard on 22nd July 2005 the
Tribunal on the same day delivered the following :

O R D E R

HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

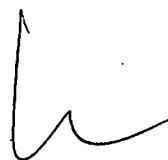
The applicant presently working as a Goods Driver (revised
designation Loco Pilot Goods) in the scale of pay of
Rs.5000-8000/- at Ernakulam Marshalling Yard of Southern Railway,
Trivandrum Division is aggrieved by an arbitrary and illegal



penalty advice dated 5.2.2003 wherein he was imposed with a penalty of withholding of his annual increments from Rs.4350/- to Rs.4430/- in scale Rs.3050-4590/- due on 1.9.2003 for a period of six months (non-recurring). The penalty was revised by the 4th respondent to the effect that his annual increment from Rs.4500/- to Rs.4600/- in scale Rs.4000-6000/- normally due on 1.3.2004 is withheld for a period of six months (non-recurring) without disposing of his appeal dated 3.3.2003. Therefore he has filed this application seeking the following main reliefs :-

- (a) Call for the records leading to the issue of Annexure A-1 & Annexure A-2 and quash the same.
- (b) Direct the respondents to grant all consequential benefits including arrears of pay and allowances as if Annexure A-1 and Annexure A-2 were not in existence at all.

2. When the matter came up for hearing Shri.T.C.Govindaswamy appeared for the applicant and Shri.Thomas Mathew Nellimootttil appeared for the respondents. Counsel for the applicant submitted that Annexure A-7 and Annexure A-8 appeals are pending before the 3rd respondent against the order of Annexure A-1 and Annexure A-2 i.e. penalty order and review/revision order and he will be satisfied if a direction is given to the said authority to consider and dispose of said appeals within a time frame. Counsel for the respondents submitted that he has no objection in adopting such a course of action.

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3. In the light of what is stated above this Court directs the 3rd respondent to consider and dispose of Annexure A-7 and Annexure A-8 appeals of the applicant within a time frame of two months from the date of receipt of a copy of this order. The O.A. is disposed of at the admission stage itself. In the circumstances, no order as to costs.

(Dated the 22nd day of July 2005)

N.Ramakrishnan

N.RAMAKRISHNAN
ADMINISTRATIVE MEMBER



K.V. SACHIDANANDAN
JUDICIAL MEMBER

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