

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. 560/92

Wednesday, the fifth day of January, 1994

MR. N. DHARMADAN MEMBER (JUDICIAL)

MR. S. KASIPANDIAN MEMBER (ADMINISTRATIVE)

K.K.Dasan

Fitter Grade-III

Office of the Carriage and Wagon Supdt.
Southern Railway, Trivandrum Central

Applicant

By Advocate Mr. P.Sivan Pillai

vs.

1. Union of India through the
General Manager,
Southern Railway, Madras-3

2. The Divisional Personnel Officer
Southern Railway, Trivandrum-14

3. The Chief Personnel Officer
Southern Railway, Madras-3

4. The Chairman, Railway Board,
New Delhi

Respondents

By Advocate Smt. Sumathi Dandapani

ORDER

N. DHARMADAN

The grievance of a railway employee who got inter-Railway transfer is highlighted in this application filed under section 19 of the Administrative Tribunals' Act.

2. According to the applicant/he was working as Khalasi in the Bombay (BCT) division of the Western Railway, he applied for a transfer to Southern Railway. But the same was rejected. Thereafter, he was promoted to the grade of semi-skilled artisan. He again submitted the same request. That was also turned down stating the very same reason. Subsequently when he was posted as skilled artisan namely, painter (skilled), he made his request for inter-Railway transfer. That was allowed and the applicant was relieved by Annexure A-11 order dated 17.3.81. In that relieving order, it is stated that the applicant was working in the scale of Rs. 260-400 and he has been transferred to the Southern Railway as per the Railway Board's order dated 6.3.81. Though the applicant came to Madras on the basis

of the relieving order for joining duty, he was not allowed to join the skilled grade in the pay scale of Rs. 260-400. Subsequently, after three months the applicant joined as Khalasi at Trivandrum Division after obtaining Annexure R-7 willingness dated 10.6.81. The order Ext. R-6 was also passed on 15.6.81 based on his relieving order and also his willingness. Thereafter, the applicant knew about the inter-railway transfer of a similar case in respect of one Shri Rajan. The order is produced as Annexure A-9. In the light of Annexure A-9, the applicant raised his grievance contending that the applicant is also entitled to the benefit of joining duty in the Trivandrum division as a skilled artisan in the scale of Rs. 260-400. The representation submitted before the Chairman, Railway Board is Annexure A-10. That representation has not been disposed of so far.

3. The learned counsel for respondents submitted that the original application itself is to be dismissed as belated, barred by limitation. She further contended that the representation submitted by the applicant is not in the proper form as it is not submitted through proper channel.

4. The question of limitation was considered at the admission stage but we did not pass any final order at that time leaving the right of the respondents to raise the same at the final hearing. Though learned counsel for respondents pressed for dismissal of the O.A. on the ground of limitation, we are not prepared to accept the contention particularly when Annexure A-9 order was passed in respect of Shri Rajan who was transferred from Mysore Division and absorbed in the Trivandrum division in the same post only on 9.4.90. This order definitely gives a cause of action for the applicant who agitated his case. Since his case is also similar to that of Shri Rajan, he filed a detailed

representation immediately after getting information about the transfer and appointment of Shri Rajan. This representation deserves consideration even though it is addressed to the Chairman. This Tribunal has repeatedly held that when an employee submits his grievance by filing representation, the same should be considered and disposed of in accordance with law. In the instant case, the fourth respondent has not considered the case of the applicant despite the fact that the same is pending from 20.10.90.

5. Having regard to the facts and circumstances of the case, we are of the view that justice will be met in this case if we dispose of the application directing the fourth respondent to consider Annexure A-10 representation submitted by the applicant as expeditiously as possible, at any rate within four months from the date of receipt of copy of the judgment.

6. The application is disposed of with the above direction.

7. There shall be no order as to costs.


(S. KASI PANDIAN)
MEMBER (ADMINISTRATIVE)

kmn


, 5.1.94.
(N. DHARMADAN)
MEMBER (JUDICIAL)