

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 570 of 2004

Friday, this the 30th day of July, 2004

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. H.P. DAS, ADMINISTRATIVE MEMBER

1. P. Mayin,
S/o Ahmed,
Palapoyil House, West Hill, Anthikad,
Working as Tindal, Under Dy.CE/CN/CLT
2. C. Krishnan,
S/o Pangodan, Alampad House, Chaliyad
Working as Tindal, Under Dy.CE/CN/CLT
3. K. Devan,
S/o Damodaran,
Mopla Khalasi,
Under Dy.CE/CN/Calicut.
4. P.T. Vijaya Rajan,
S/o Velayudhan,
Working as Tindal, Under Dy.CE/CN/Calicut,
Southern Railway, Calicut.
5. K.K. Abdul Rahiman,
S/o Mohammed Kutty,
Mopla Khalasi,
Under Dy.CE/CN/Calicut.
6. C.M. Ashraf,
S/o Aboobacker,
Mopla Khalasi,
Under Dy.CE/CN/Calicut.
7. V. Ravi,
S/o V. Chandru,
Vakari House, Vallikunnu North,
Working as Mopla Khalasi,
Under Dy.CE/CN/CLT

....Applicants

[By Advocate Shri B. Gopakumar]

Versus

1. Union of India,
Represented by General Manager,
Southern Railway, Madras-3
2. Financial Advisor & Chief Accounts Officer,
Southern Railway/Construction,
Madras-3

3. Deputy Chief Engineer,
Southern Railway/Construction,
o Calicut.Respondents

[By Advocate Shri Thomas Mathew Nellimootttil]

The application having been heard on 30-7-2004, the Tribunal on the same day delivered the following:

O R D E R

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

Applicants, who are working as Tindals/Mopla Khalasis under the Deputy Chief Engineer/Construction of Southern Railway, Calicut, had filed OA.No.691/2000 and OA.No.709/2000 against their repatriation to open line wing. However, the applications were rejected by the Tribunal. The matter was taken up before the Hon'ble High Court of Kerala in OP.No.17419 of 2001. When the matter came up for hearing before the Hon'ble High Court of Kerala, counsel of the petitioners submitted that permission be given to the petitioners to withdraw the petition with liberty to approach the departmental authorities and the request was granted. Applicants, therefore, submitted representations. A copy of the representation submitted by the 4th applicant has been produced as Annexure A4. Similar representations is said to have been submitted by the remaining applicants also. Applicants had represented regarding the reduction of their pay and sought empanelment in the skilled grade. Their representations have not been considered and disposed of. In the meanwhile, Annexure A1 and A1(a) series orders by which the pay of the applicants have been reduced owing to their empanelment were issued. However, the implementation of the reduction was kept in abeyance by Annexure A3. The present grievance of the applicants is that the reduction of pay suggested in Annexure A1 and A1(a) series is being implemented by Annexure A2 series

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and that their grievance regarding non-empanelment on skilled grade has not been attended to. Therefore, the applicants have jointly filed this application seeking the following reliefs:-

- (i) Quash Annexures A1 and A2 as illegal and void.
- (ii) Direct the respondents to protect the service benefits including the pay and allowances which were being offered to the applicants prior to the issue of Annexures A1 & A2, treating them on a par with the applicants in Annexure A5.
- (iii) Issue such other and appropriate directions or orders as against the respondents, which are fit and appropriate in the peculiar facts and circumstances stated above."

2. When the application came up for hearing, Shri Thomas Mathew Nellimoottil, learned counsel appeared on behalf of the respondents.

3. Learned counsel of the applicants suggested that since the applicants have submitted Annexure A4 and similar representations on the basis of the undertaking given before the Hon'ble High Court of Kerala and the same are pending, the application may be disposed of directing the 3rd respondent to consider their representations and to give them appropriate replies keeping in abeyance the implementation of Annexure A1 and A2 orders. Learned counsel of the respondents has no objection in disposing of this application with such a direction.

4. In the light of the above submission by the learned counsel on either side, the Original Application is disposed of directing the 3rd respondent to consider Annexure A4 and similar representations of the applicants in accordance with the rules and instructions on the subject and in the light of

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the judgement Annexure A5 and to give the applicants appropriate replies within a reasonable time. We also direct that till such orders are passed on the representations of the applicants and communicated the same to the applicants, the impugned orders Annexure A1 and A2 shall not be implemented. No order as to costs.

Friday, this the 30th day of July, 2004

H.P.Das

H.P. DAS
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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