

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 596/97

Friday the 10th day of March, 2000

CORAM

HON'BLE MR A.M.SIVADAS, JUDICIAL MEMBER
HON'BLE MR G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

P.Ravindranathan
S/o P.Kesavan
Assistant Engineer
Gauge Conversion
Arsikkere, S. Railway.
Residing at Railway Quarters No.MH 24-B
Mangalore.

...Applicant

(By advocate Mr T.C.Govindaswamy)

Versus

1. Union of India represented by
The Secretary to the Govt. of India
Ministry of Railways
Rail Bhavan, New Delhi.
2. The General Manager
Southern Railway
Headquarters Office,
Park Town P.O.
Madras.
3. The Chief Personnel Officer
Southern Railway
Headquarters Office
Park Town, Madras.
4. The Senior Divisional Personnel Officer,
Southern Railway, Divisional Office,
Madras.
5. The Senior Personnel Officer
Southern Railway (Construction)
Bangalore Cantonment
Bangalore.
6. The Divisional Railway Manager
Southern Railway
Palghat Division
Palghat.

....Respondents

(By advocate Mrs Sumathi Dandapani)

The application having been heard on 10th March, 2000,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR A.M.SIVADAS, JUDICIAL MEMBER

Applicant seeks to quash A-1 and A-2 and to direct the
respondents to fix his pay in the post of Assistant Engineer at
Rs. 2750/- with effect from 1-3-96, duly taking into consideration
A-3 and also the fact that he is eligible to be fitted in the

next higher scale of Rs. 550-750 with effect from 1-1-84 and to the still higher scale of Rs. 2000-3200 with effect from 1-6-90 being the date of promotion of the applicant's juniors.

2. One of the grounds specifically raised in this OA is that A-1 was not preceded by any show-cause notice nor was the applicant given an opportunity to explain why A-1 should not have been issued. There is no denial of this in the reply statement. Hence it is only to be taken that A-1 was issued behind the back of the applicant and in violation of the principles of natural justice. In that situation, A-1 is liable to be quashed.

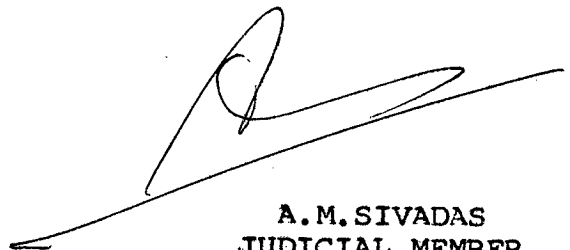
3. We do not propose to go into the remaining questions. Accordingly, A-1 is quashed. Respondents are at liberty to proceed afresh in this matter in accordance with the law and in compliance with the principles of natural justice, if so advised, within a period of three months.

Original Application is disposed of as above.

Dated 10th March, 2000.



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A. M. SIVADAS
JUDICIAL MEMBER

aa.

Annexures referred to in this order:

- A-1: True copy of the Memorandum No.M/P(W)524/IV/Fixation dated 15.11.96 issued by the 4th respondent.
- A-2: True copy of the office order No.HPS(O)10/9/96 dated 11-12-96 issued by the 2nd respondent.
- A-3: True copy of the Memorandum No.M/P1 S/535 dated 19.10.82 issued by the 4th respondent.