

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.NO.617/2002

Monday, this the 4th day of October, 2004.

CORAM:

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

HON'BLE MR H.P.DAS, ADMINISTRATIVE MEMBER

E.Chandrasekharan,
Station Master Grade-III,
Southern Railway,
Kannapuram,
Cannanore District. - Applicant

By Advocate Mr TC Govindaswamy

Vs

1. Union of India represented by
the Secretary,
Ministry of Railways,
Rail Bhavan, New Delhi.
2. The Divisional Railway Manager,
South Central Railway,
Hubli Division, Hubli.
3. The Divisional Railway Manager,
Southern Railway,
Tiruchirappally Division,
Tiruchirappally.
4. The Divisional Railway Manager,
Southern Railway,
Palghat Division, Palghat.
5. The Senior Divisional Personnel Officer,
Southern Railway,
Palghat Division, Palghat.
6. The Chief Personnel Officer,
Southern Railway,
Headquarters Office,
Park Town.P.O.
Chennai-3.
7. The General Manager,
Southern Railway,
Head Quarters Office,
Park Town.P.O.
Chennai-3. - Respondents


By Advocate Mrs Rajeswari Krishnan

The application having been heard on 4.10.2004, the Tribunal on the same day delivered the following:

O R D E R

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

The applicant while working as Station Master in the Hubli Division of Southern Railway in the pay scale of Rs.1400-2300 and drawing the basic pay of Rs.1600/- was on his request, transferred to Tiruchirappally Division as Station Master in the scale of Rs.1200-2040 where he joined on 21.10.1988. His pay was not protected, but was fixed at Rs.1475/-. While so, the applicant was promoted in Tiruchirappally Division to the scale of Rs.1400-2300 with effect from 13.1.91 and his pay was fixed at Rs.1640/-. Thereafter on his request under Rule 227 of the Railway Establishment Code, the applicant was transferred to Palghat Division where he joined on 26.6.91, in the lower pay scale of Rs.1200-2040. His pay was fixed at Rs.1560/-. The applicant was again promoted in Palghat Division in the pay scale of Rs.1400-2300 with effect from 25.3.93. The applicant is aggrieved by not protecting his pay drawn at Thiruchirappally Division along with others filed O.A.1492/93. The Railway Administration contended that the applicant and similar others would not be entitled to protection of pay since they did not hold the post substantially for a period of 2 years. Rejecting the contention of the respondents, the O.A. was allowed. Pursuant to the order of the Tribunal in O.A.1492/93, the respondents issued A-2 order dated 14.3.95 protecting the pay of the applicant on his transfer from Tiruchirappally to Palghat Division on his transfer from Hubli



Division. The applicant thereafter submitted a representation for protection of his pay in Tiruchirappally Division. Applicant made yet another representation. These representations did not evince any response. Therefore, the applicant has filed this application for a declaration that his basic pay at Rs.1600/- drawn while joining at Tiruchirappally Division of Southern Railway was to be protected and for a direction to the respondents to revise applicant's pay as per declaration in para 8(a) above and to give applicant consequential benefits.

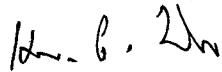
2. The respondents filed reply statement contesting the claim. We have gone through the pleadings and other material on record and have heard the learned counsel on either side.

3. We find that while filing O.A.1492/93, the applicant was concerned only with protection of his pay on his transfer from Tiruchirappally Division to Palghat Division. If the applicant had a similar grievance that his pay on his transfer from Hubli Division to Tiruchirappally Division also ought to have been protected, the applicant should have in that application claimed that relief or at least reserved his liberty to seek that relief in a separate proceeding in that behalf. He did neither. Hence it should be deemed that the applicant has abandoned that claim. Therefore, at this distance of time the applicant cannot be permitted to rake up the issue which was treated as closed as final both by the applicant as also the respondents.

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4. In the result the application fails and the same is dismissed without any order as to costs.

Dated, the 4th October, 2004.



H.P.DAS
ADMINISTRATIVE MEMBER



A..V.HARIDASAN
VICE CHAIRMAN

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