

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**O.A. NO. 67 OF 2008**

Thursday, this the 5th day of March, 2009.

**CORAM:**

**HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER**

Baburaj Vallassery  
Tower Wagon Driver (Supernumerary)  
Southern Railway, Shornur  
Residing at 'Arund', Near Madrassa Hall  
Shornur

... Applicant

(By Advocate Mr. TCG Swamy )

versus

1. Union of India represented by the Secretary  
to the Government of India  
Ministry of Railways  
New Delhi
2. General Manager  
Southern Railway  
Headquarters Office, Park Town PO  
Chennai - 3
3. The Divisional Personnel Officer  
Southern Railway, Palghat Division  
Palghat
4. The Senior Section Engineer  
Traction Distribution/Overhead Equipments  
Southern Railway  
Shornur Junction, Shornur

... Respondents

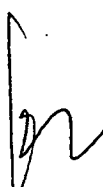
(By Advocate Mr. Thomas Mathew Nellimoottil )

The application having been heard on 05.03.2009, the Tribunal on the same day delivered the following:

**ORDER**

**HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER**

The case of the applicant in this OA is that he belonging to running staff, on medical de-categorisation, is entitled to alternate employment with necessary pay protection including running allowances



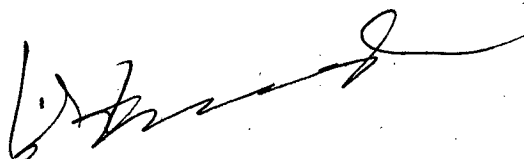
etc. Earlier, the Railways did not fix his pay as per the Rules. However, after the applicant has filed rejoinder, the respondents have filed reply to rejoinder wherein, they have stated in Para 7 as under:-

*" In terms of Railway Board's letter No.E(NG)1/96/RE 3/9 (2) dated 29.04.1999 the pay of the medically de-categorised running staff is to be fixed duly reckoning 30% of the pay element in lieu of running allowance and after medical de-categorisation they are not entitled for any running allowance. accordingly the pay of the applicant, having been medically de- categorised with effect from 29.03.2006, is re-fixed at Rs.15030/- in Pay Band Rs.9300-34800 with Grade Pay of Rs.4200/- with effect from 29.03.2006 in VIth Pay Commission Pay Scales duly reckoning 30% pay element of running allowance as per the Memorandum No.J/P 524/II/MES/E/GS/TRD/VIthPC dated 26.02.2009 a copy of which is produced herewith and marked as Annexure R-4. This fixation is subject to the outcome of the SLP (C) 8468-8469 of 2005 pending before the Hon'ble Supreme Court of India."*

2. The above, read with Annexure R-4 redresses substantially the grievance of the applicant. In principle the Railways have conceded to the claim of the applicant. In so far as the fixation of pay or Grade Pay is concerned, if there is any difference, Counsel for applicant submits that he may be given liberty to agitate against the same in accordance with law and this OA may be closed in view of the aforesaid subsequent developments. As regards payment of arrears, if any, due to the applicant in accordance with Annexure R-4, respondents are directed to work out the same within a period three months from the date of receipt of a copy of this order.

3. OA is disposed of accordingly. No costs.

Dated, the 5th March, 2009.



**Dr.K.B.S.RAJAN**  
**JUDICIAL MEMBER**