

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.74/2007

Dated the 22nd day of July, 2008.

CORAM :

HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER

HON'BLE DR.K.S.SUGATHAN, ADMINISTRATIVE MEMBER

- 1 V.S Syed Ali
 Server/Waiter,
 Vegetarian Refreshment Room,
 Erode, Southern Railway,
 Palghat Division,
- 2 P Assainar
 Server/Waiter,
 Vegetarian Refreshment Room,
 Erode, Southern Railway,
 Palghat Division,
- 3 T Balakrishnan
 Server/Waiter,
 Vegetarian Refreshment Room,
 Erode, Southern Railway,
 Palghat Division,
- 4 A Arumugham
 Server/Waiter,
 Vegetarian Refreshment Room,
 Erode, Southern Railway,
 Palghat Division,
- 5 S Thasthagiri
 Server/Waiter,
 Vegetarian Refreshment Room,
 Erode, Southern Railway,
 Palghat Division,
- 6 P.M. Selvaraj
 Server/Waiter,
 Vegetarian Refreshment Room,
 Erode, Southern Railway,
 Palghat Division

... Applicants

By Advocate Mr.Siby J Monippally



V/s.

- 1 Union of India represented by
General Manager,
Southern Railway, Chennai
- 2 Chief Personnel Officer,
Southern Railway, Park Town,
Chennai
- 3 The Senior Divisional Personnel Officer
Southern Railway, Palghat Division ... Respondents

By Advocate Mr.Thomas Mathew Nellimoottil

This application having been heard on 22nd July, 2008, the Tribunal on the same day delivered the following

(ORDER)

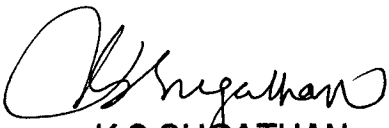
Hon'ble Mr.George Paracken, Judicial Member

All the applicants herein were initially Commission Bearers. They worked in that capacity from the year 1978, 1982, 1977 and 1979 respectively. Thereafter, all of them were conferred the status of Salaried Commission Bearer with effect from 1.12.1983. and later regularised in 1989, 2001, 1991 and 1998 respectively. Their contention in this OA is that 50% of service for the period they have been conferred with the status of Salaried Commission Bearers with effect from 1.12.1983 till their respective dates of regularisation in service, shall be reckoned for all service benefits including pensionary benefits.

Respondents have filed reply stating that similar request was earlier considered by the respondents pursuant to the direction of the Madras Bench of the Tribunal in OA 980/2002 dated 19.7.2003 but rejected the same. Learned counsel for applicant, on the other hand, has

submitted that their case is entirely different as they are asking for service benefits only from the date from which they have been conferred the status of Salaried Commission Bearers and not for the entire period as Commission Bearers.

We have considered this matter. It is seen that the applicants have not made any representation to the respondents before approaching this Tribunal and, therefore, the respondents had no opportunity to examine their case in accordance with the rules. We therefore, dismiss the case as premature. The applicants may, if so advised, make detailed representations to the respondents and on receipt of the same, they shall consider them within four months and pass appropriate orders. There shall be no orders as to costs.


K.S. SUGATHAN
ADMINISTRATIVE MEMBER


GEORGE PARACKEN
JUDICIAL MEMBER

abp