

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.80/98

Wednesday, this the 15th day of November, 2000.

CORAM:

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

HON'BLE MR G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

1. P.T.Joymon,  
Diesel Assistant now working as  
Officiating Driver under the  
Chief Crew Controller, Erode.
2. Saji K.Paul,  
Diesel Assistant now working as  
Officiating Driver under the  
Chief Crew Controller, Erode.
3. Vincent Fernandez,  
Diesel Assistant now working as  
Officiating Driver under the  
Chief Crew Controller, Erode.
4. E.R.Joshy,  
Diesel Assistant now working as  
Officiating Driver under the  
Chief Crew Controller, Erode.
5. C.V.Gupthan,  
Diesel Assistant now working as  
Officiating Driver under the  
Chief Crew Controller, Erode.
6. R.Suresh Kumar,  
Diesel Assistant now working as  
Officiating Driver under the  
Chief Crew Controller, Erode.
7. A.Ganesan,  
Diesel Assistant now working as  
Officiating Driver under the  
Chief Crew Controller. Applicants

(By Advocate Shri M.R. Rajendran Nair)

Vs.

1. The Senior Divisional Personnel  
Officer, Divisional Office,  
Southern Railway, Palghat.

2. Union of India represented by  
Secretary to Government.  
Department of Railway,  
Rail Bhavan, New Delhi.
3. The Senior Divisional Mechanical  
Engineer, Divisional Office,  
Southern Railway, Palakkad.
4. General Manager,  
Southern Railway, Madras.

Respondents

(By Advocate Smt. Sumathi Dandapani)

The application having been heard on 15.11.2000, the Tribunal  
on the same day delivered the following:

O R D E R

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

In this application originally filed, the applicants  
sought for a declaration that they are entitled to get their  
pay fixed in the scale of pay of Rs.5000-8000 applicable to  
the category of Goods Drivers, with effect from 29.12.95,  
24.7.96, 25.7.96, 4.8.96, 29.12.95, 25.7.96 and 25.7.96  
respectively, to direct the respondents to fix the pay of the  
applicants accordingly and to disburse the difference of  
emoluments and also to effect regular promotions to the  
category of Goods Drivers from among qualified hands in  
accordance with rules.

2. When the application came up for hearing today,  
learned counsel of the applicants states that as the relief  
sought for in sub para(ii) of paragraph 8 of the application  
has become infructuous, that relief need not be considered.  
The remaining relief to be considered is only for a  
declaration that the applicants are entitled to get their pay

fixed, in the scale of Rs.5000-8000 with effect from the dates mentioned in para 8(i). The applicants have alleged that they have been officiating as Goods Drivers for more than 30 days and are entitled to have their pay fixed according to Rule 913(i) (b) of the Indian Railway Establishment Manual.

3. The respondents resist the claim of the applicants. They contend that the applicants have not put in continuous service for 30 days and therefore, not entitled to the relief claimed.

4. We have perused the materials on record in support of the claims made by the applicants. It is seen that the first applicant had been continuously working as Goods Driver for a long time. Learned counsel for the applicants states that it would be evident, if the service particulars of the other applicants are scrutinised that they are also officiating as Goods Driver for 30 days continuously and had become entitled for fixation of pay under Rule 913(1) (b) of IREM. Learned counsel on either side agree that the application may now be disposed of permitting all the applicants to make individual representations with supporting documents claiming the fixation of pay under Rule 913(1) (b) of the IREM, to the 4th respondent and with a direction to the 4th respondent to have the records scrutinised by a competent authority and to pass appropriate orders regarding the fixation of their pay as per rules within a reasonable time.

5. In view of the submission made by the learned counsel on either side, the application is disposed of permitting the applicants to make individual representations in accordance with their claim for fixation of their pay under Rule 913(1) (b) of IREM supported by documents and particulars to the 4th respondent within one month from today and with a direction to the 4th respondent that if such representations are received, the 4th respondent shall itself consider and disposed of the representations or have them considered and disposed of by a competent authority under it after verifying the relevant documents produced by the applicants as also which may be available with respective offices under the respondents with speaking orders within three months from the date of receipt of the representations. No costs.

Dated, the 15th of November, 2000.

  
G. RAMAKRISHNAN  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN

trs