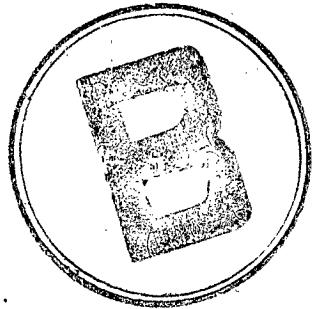


CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.108/2004.



Friday this the 13th day of February 2004.

CORAM:

HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER
HON'BLE MR.H.P.DAS, ADMINISTRATIVE MEMBER

K.Ratnakaran, Senior Gangman/Gang No.1,
Quilon, Southern Railway under Section Engineer/
Permanent Way, Quilon. Applicant

(By Advocate Shri T.C.G.Swamy)

Vs.

1. Union of India, represented by General Manager,
Southern Railway, Headquarters Office,
Park Town P.O., Chennai-3.
2. The Divisional Railway Manager,
Southern Railway, Trivandrum Division,
Trivandrum-14.
3. The Senior Divisional Personnel Officer,
Southern Railway, Trivandrum,
Trivandrum-14. Respondents

(By Advocate Shri P.Haridas)

The application having been heard on 13th February 2004, the Tribunal on the same day delivered the following:

ORDER (ORAL)

HON'BLE MR.KV.SACHIDANANDAN, JUDICIAL MEMBER

The applicant is working as Senior Gangman under the Section Engineer/Permanent Way, Quilon, Southern Railway. It is averred in the O.A. that he was initially joined the Railways as a Casual Labourer in the year 1975 and later, after a trade test, he was engaged as Blacksmith (Skilled) w.e.f. 5.5.83. He was in the pay scale of Rs.260-460/950-1500/3050-4590. Though he was regularized as Gangman in scale Rs.800-1150/775-1025 by order dated 24.3.97 (A1), his pay was not protected as he was drawn earlier. Aggrieved by the inaction on the part of the Respondents he filed this O.A. seeking the following reliefs

- a) Declare that upon regularization, the applicant is entitled to have his pay drawn in the Group 'C' scale of Rs. 3050-4590/protected.
- b) Direct the respondents to re-fix the applicant's pay in the Group 'D' post of Gangman, duly protecting the pay drawn by the applicant as Black Smith in scale Rs. 3050-4590, with all consequential arrears flowing therefrom.
- c) Award costs of and incidental to this application.
- d) Pass such other orders or directions as deemed just, fit and necessary in the facts and circumstances of the case."

2. When the case came up for admission before the Bench, Shri P. Haridas took notice for the respondents. Counsel for applicant states that he has submitted a representation to the 2nd respondent on 25.8.02 but the same was not yet disposed of. He submits that this is a settled issue by virtue of pronouncement of orders of this Tribunal in Aslam Khan Vs. Union of India and others (2001(2) ATJ-1) and also in Iqbalall Saiyad Vs. Union of India and others (2002 (1) ATJ 28), and that therefore, the applicant is entitled to get the benefits. He further submitted that he would be satisfied if a limited direction is given to the respondents to consider and dispose of the representation dated 25.8.02 within a time frame. Learned counsel for the respondents submitted that he has no objection in adopting such a course of action:

3. We also feel that such a limited direction will meet the ends of justice. We, therefore, direct the 2nd respondent to consider the representation with reference to the rules and case law on the subject as narrated in the O.A. and pass a speaking order within a time frame of two months from the date of receipt of a copy of this order.

4. O.A. is disposed of at the admission stage itself. In the circumstance, no order as to costs.

Dated 13th February, 2004.

Sd/-

H. P. DAS
ADMINISTRATIVE MEMBER

Sd/-

K. V. SACHIDANANDAN
JUDICIAL MEMBER

rv