

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 115 OF 2010

Tuesday, this the 16th day of February, 2010

CORAM:

**HON'BLE Mr.JUSTICE K.THANKAPPAN, JUDICIAL MEMBER
HON'BLE Ms.K.NOORJEHAN, ADMINISTRATIVE MEMBER**

1. K.G.Anilkumar
Tower Wagon Driver
Trivandrum Division of Southern Railway
Residing at Railway Quarters No.1411
Ernakulam South
2. M.Pramod
Tower Wagon Driver
Trivandrum Division of Southern Railway
Residing at Railway Quarters No.19
Kazhakkottam
3. Siby P Raman
Tower Wagon Driver
Trivandrum Division of Southern Railway
Residing at Panamkoottathil House
Khama Nagar P.O
Koratty
4. K.V.Biju
JR Engineer
Trivandrum Division of Southern Railway
Residing at Kanchirathinkal House
Annanad, Chalakkudy
5. P.A.Mohamed Ismail
Technician Grade I
Trivandrum Division of Southern Railway
Residing at 50/1215 A, Padijaraparambu
Jawan Cross Road
Elamakkara P.O.
6. K.K.Vijayan
Tower Wagon Driver
Trivandrum Division of Southern Railway
Residing at Kollaralil House
Chenakkal Angadi
P.O. Thanjipalam, Malappuram ...

Applicants

(By Advocate Mr. Martin G Thottan)

versus



1. Union of India represented by the
General Manager
Southern Railway
Headquarters Office, Chennai
2. The Senior Divisional Personnel Officer
Southern Railway, Trivandrum Division
Trivandrum ... Respondents

(By Advocate Mr.Thomas Mathew Nellimoottil)

The application having been heard on 16.02.2010, the Tribunal on the same day delivered the following:

ORDER

HON'BLE Mr.JUSTICE K.THANKAPPAN, JUDICIAL MEMBER

The question raised in the Original Application is that whether the applicants are entitled for the pay scale applicable to the post of Tower Wagon Drivers as contemplated under Annexure A-1 notification, or not ?

2. We have heard Mr.Martin G Thottan, learned counsel for the applicants and Mr.Thomas Mathew Nellimoottil, learned counsel for respondents on notice. The case of the applicants is that they were appointed as Tower Wagon Drivers with effect from 01.01.2006 and even though the post is an ex-cadre post, such ex-cadre persons were paid the pay scales given in Annexure A-1. It is also the case of the applicants that in all other Divisions, persons who are appointed in the same manner are getting the pay scales as the applicants now claim.
3. In the above circumstances, the applicants approached this Tribunal and they have also explained in Annexure A-3 representation addressed to the Senior Divisional Personnel Officer, Trivandrum and Sr.DEE/TR/TVC dated 15.02.2008.

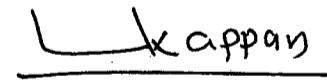


4. On considering the case of the applicants at length and on going through the averments in the OA and also perusing Annexure A-1 and A-2, we are of the view that the applicants have already made out a case for consideration by the respondents and the respondents have already been alerted by Annexure A-3.

5. In the above circumstances, we are of the view that the OA can be disposed of in the admission stage itself by directing the 2nd Respondent, the Senior Divisional Personnel Officer, Southern Railway, Trivandrum Division to consider Annexure A-3 representation and pass appropriate orders thereon within a reasonable time frame, at any rate within 45 days from the date of receipt of a copy of this order. Applicants are also directed to produce a copy of this OA alongwith a copy of this order to the 2nd respondent, the Senior Divisional Personnel Officer. Ordered accordingly. There shall be no order as to costs.

Dated, the 16th February, 2010.


K.NOORJEHAN
ADMINISTRATIVE MEMBER


JUSTICE K.THANKAPPAN
JUDICIAL MEMBER

vs