

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.116/95

Thursday, this the 30th day of May, 1996.

CORAM: 0

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

T Alavi,
Employed as Diesel Assistant,
Southern Railway,
(Erode Head Quarters)
Now working under Loco Foreman,
Southern Railway, Shornur. - Applicant

By Advocate Mr TC Govinda Swamy

Vs

1. Union of India through
the General Manager,
Southern Railway,
Head Quarters' Office,
Park Town.P.O.
Madras-3.
2. The Divisional Personnel Officer,
Southern Railway,
Palghat Division,
Palghat. - Respondents

By Advocate Mr TPM Ibrahim Khan, Senior Central Government
Standing Counsel

The application having been heard on 30.5.96 the Tribunal
on the same day delivered the following:

O R D E R

Applicant seeks a direction to fix his pay at Rs.1350 in
the scale of 950-1500. He was appointed as a Diesel Assistant,
consequent on the post held by him becoming 'Steam Surplus'. At
that time he was in the scale of 1200-1800. The post of Diesel
Assistant is in the scale of 950-1500. Presumably thinking that

an official in the scale of 1200-1800 cannot be inducted into the scale 950-1500, applicant was sought to be reverted as a Loco Khalasi in the scale of 750-940. This was challenged and a Bench of this Tribunal observed that reversion cannot be effected solely for the purpose of absorption as Diesel Assistant. That order has not been challenged and it has become final.

2. Pay fixation was made on the basis that applicant was holding a post in the 750-940 scale. Prima facie, that assumption cannot be justified in view of the observations in A2 order though the operative portion of the order is not very clear. In the circumstances, the matter will be considered by first respondent or an appropriate officer nominated by him, if applicant makes a representation in that behalf within thirty days from today. A decision will be taken within four months of the date of receipt of the representation.

3. With this direction the application is disposed of. No costs.

Dated, the 30th May, 1996.

Chettur Sankaran Nair

CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

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List of Annexure

1. Annexure A2: A true copy of the Judgement in O.A. 1533/92 dated 14/1/94 passed by this Hon'ble Tribunal.