

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 127/99

Tuesday the 2nd day of February 1999.

CORAM

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

V. Narayana Pai
Junior Engineer-1
Diesel Loco Shed
Southern Railway
Ernakulam Junction.

...Applicant

(By advocate Mr Majnu Komath)

Versus

1. Union of India represented by the Chairman, Railway Board Rail Bhavan, New Delhi.
2. Chief Personnel Officer Southern Railway Park Town, Madras.
3. The Divisional Railway Manager Southern Railway, Trivandrum.
4. The Divisional Personnel Officer Southern Railway, Trivandrum. ...Respondents.

(By advocate Mr Mathews J. Nedumpara)

The application having been heard on 2nd February 1999, the Tribunal on the same day delivered the following:

O R D E R

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

The applicant while working as Electrical Chargeman 'B' in the scale of Rs.425-700 in the South Eastern Railway made a request for inter-railway transfer to Southern Railway in the year 1974. No favourable reply was received by him till 1980. In the meanwhile, in the year 1977, the applicant was promoted as Electrical Chargeman 'A' in the scale of Rs. 550-750. However, he was, by order dated 6.2.80 (Annexure A-1) transferred as Electrical Chargeman 'B' in the scale of Rs.425-700 to Southern Railway. Despite the reversion involved and the detriment in finance and position,

taking into account his family circumstances, the applicant accepted the transfer and joined at Ernakulam in the year 1980 itself. In 1998, the applicant coming to know that there were vacancies of Electrical Chargeman Grade 'A' in the scale of 550-750 and that there was an element of direct recruitment in that post, the applicant made a representation on 20.1.98 (Annexure A-2) to the Chief Personnel Officer, Southern Railway, Park Town, Madras to give him the benefit of transfer as Electrical Chargeman Grade 'A' in the scale of Rs. 550-750 with effect from the date on which he was transferred as Electrical Chargeman Grade 'B' to Southern Railway, with a further request that he may be allowed to continue at the very same place. This request has not been considered and replied to by the respondents. Therefore, the applicant has filed this application for a direction to the respondents to treat the applicant's transfer by A-1 order as transfer in the post of Electrical Chargeman 'A' in the scale of Rs. 550-750 in accordance with the provisions of para 312 of IREM with retrospective effect.

2. When the application came up for hearing today, learned counsel of the applicant states that the applicant would be satisfied if the second respondent is directed to consider the representation and to give him an appropriate reply. Learned counsel for respondents states that the respondents have no objection to the matter being disposed of with a direction to the second respondent to dispose of the representation in accordance with rules and instructions on the subject.

3. In view of the submissions by the learned counsel on either side, the application is disposed of directing the second respondent to consider the representation submitted by the applicant (Annexure A-2) in accordance with rules and

instructions on the subject and to give him an appropriate reply within a period of three months from the date of receipt of a copy of this order. There is no order as to costs.

Dated, 2nd February 1999.



(A.V. HARIDASAN)
VICE CHAIRMAN

aa.

LIST OF ANNEXURES

1. Annexure A-1: True copy of the Memorandum No.P/L/13/DE/PC/V.N.Pai dated 6.2.1980 issued by the 2nd respondent.
2. Annexure A-2: True copy of the request dated 20.1.1998 sent by the applicant to the 2nd respondent.