

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 139 1991
T. A. No.

DATE OF DECISION 29.10.91

P. Johnson and 8 others Applicant (s)

Mr. P. Sivan Pillai Advocate for the Applicant (s)

Versus

Union of India through the Respondent (s)
General Manager, Southern Railway, Madras and others

Mr. M C Cherian Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. N. V. KRISHNAN, ADMINISTRATIVE MEMBER

The Hon'ble Mr. N. DHARMADAN, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement? ✓
2. To be referred to the Reporter or not? ✓
3. Whether their Lordships wish to see the fair copy of the Judgement? ✓
4. To be circulated to all Benches of the Tribunal? ✓

JUDGEMENT

MR. N. V. KRISHNAN, ADMINISTRATIVE MEMBER

The applicants are Moppila Khalasis now working in under the office of the Executive Engineer (Construction) Southern Railway, Trivandrum i.e. the second respondent.

They were re-classified as skilled in the scale of Rs. 260-400 (pre-revised) by Ext. R-3 order/only as and when they are engaged in the bridge erection works.

2. The grievance of the applicants is that in the South Eastern Railway a different treatment is meted out to the Khalasis who are designated as bridge erection Khalasis. By letter dated 11.4.85, Annexure A-1, the

Ministry of Railways have decided that all posts of bridge erection khalsis in the scale of Rs. 210-290 may be re-classified as skilled in grade Rs. 260-400. The contention of the applicants is that this is an unqualified order which gives the benefit of higher pay irrespective of whatever work they are doing, whereas the Annexure R-3 order, which is based on Annexure A-1 order, gives them the benefit of the higher grade only when they are appointed as bridge erection khalsis.

3. The revised pay scale of Rs. 260-400 is Rs. 950-1500.

4. In pursuance of Annexure R-3 dated 25.9.86 limiting the higher pay scale only to the period when they are engaged in bridge erection works, Annexure A-2 orders are now passed revising the scale of the applicants from 950-1500 which is available to them when they are engaged on bridge erection works to Rs.800-1150, which would be the scale if they are not doing the bridge erection works.

5. The applicants are aggrieved by this order. ..

6. In the M.P. 1276/91 filed by the applicants, a prayer has been made that officials of the South Eastern Railways may be examined to find out whether the bridge erection khalsis in that railway are similar to the Moppila khalsis of the Southern Railway so that if the answer is in the affirmative, they could also claim the benefit of Annexure A-1 orders. Respondents have opposed this prayer.

7. We have heard the counsel appearing on both sides.

We are of the view that this being the position, it is only

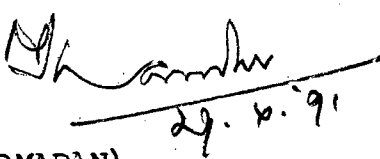
✓

fair and proper that the applicants first make a representation to the first respondent stating all the facts which have been summarised above and praying for the extension of the benefit of Annexure A-1 circular applicable to the South Eastern Railway to the Moppila Khalasis of the Southern Railway also. The parties do not have any objection to this course of action.

8. In the circumstances we direct the applicants to submit a detailed representation to the first respondent within two weeks from the date of receipt of this judgment and if such a representation is received, the first respondent shall consider the matter in all details and pass final order under intimation to the applicants. If however, the first respondent finds that he is not competent to decide the representation finally, he is directed to transmit it to the Railway Board ^{or other appropriate authority as the case may be} for final decision. In either case, the final decision shall be rendered within four months from the date of receipt of the representation under intimation to the applicant.

9. Until final decision is communicated either by the first respondent or by the Railway Board, the interim order issued earlier will continue.

10. The application is disposed of as indicated above. There will be no order as to costs.


(N. DHARMADAN)
JUDICIAL MEMBER


(N. V. KRISHNAN)
ADMINISTRATIVE MEMBER