

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.152/2001.

Monday this the 28th day of May 2001.

CORAM:

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

T.V.Ayyappan Pillai,
(Retired Senior Passenger Driver,
Arkonam Junction, Southern Railway,
Chennai Division).

Applicant

(By Advocate Shri TC Govindaswamy)

Vs.

1. Union of India, represented by
the General Manager,
Southern Railway,
Headquarters Office,
Park Town P.O.,
Chennai-3.

2. The Divisional Railway Manager,
Southern Railway,
Chennai Division,
Park Town P.O., Chennai-3.

3. Senior Divisional Personnel
Officer, Southern Railway,
Chennai Division,
Park Town P.O.,
Chennai-3.

Respondents

(By Advocate Shri James Kurien, ACGSC)

The application having been heard on 28th May 2001
the Tribunal on the same day delivered the following:

O R D E R

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

The applicant who is a retired Senior Passenger Driver
of the Southern Railway, Chennai Division, is aggrieved by the
impugned order A-9 dated 14.12.2000 by which his pay was
reduced and refixed with effect from 1.10.96. The applicant

has filed this application for setting aside A-9 order, for a declaration that he is entitled to have his pay fixed at the stage of Rs.7520/- by drawing one increment due on 1.10.99 in the scale of Rs.6000-9800, to direct the respondents accordingly, to recalculate and re-fix the applicant's pay, pension and other retiral benefits and to make available to him the consequential arrears thereof, forthwith, with interest @18% per annum.

2. The respondents have filed a reply statement. In paragraph 6 of the reply statement it is stated as follows:

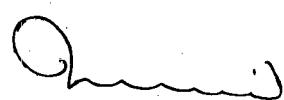
"6. At the relevant point of time, the applicant was drawing Rs.1800/- in the scale of Rs.1600 -2660. On an erroneous view that the applicant had already exercised his option in the year 1994 under Rule 1313, the applicant was denied the benefit of option for fixation of pay when the restructuring exercise was done. This error has now been noticed and accordingly the respondents have rectified the error and issued a revised Office Order No.M/P(E)/LRG/41/2001 dated 16-3-2001 a copy of which is marked and produced as Annexure R-1. The respondents regret the error in the fixation of pay."

3. The respondents have also produced the order dated 16.3.2001 (Annexure R-1). Learned counsel of the applicant states that since the respondents have admitted that A-9 order was issued on an erroneous impression and as the respondents have issued orders dated 16.3.2001 (Annexure R-1) rectifying the error refixing the pay of the applicant, the application may be disposed of directing the respondents to pay to the applicant the arrears resulting from the re-fixation as also to issue revised P.P.O. and make available to him the revised pensionary benefits without further delay.

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4. In the light of the above statement made by the respondents in paragraph 6 of the reply statement and the submission made by the learned counsel of the applicant, we find that the interests of justice would be met in this case, if the respondents are directed to refix the retiral benefits of the applicant on the basis of re-fixation of the applicant's pay made by order dated 16.3.2001 (Annexure R-1) and to make available the applicant the resultant arrears of pay, pension, etc., within a period of three months from the date of receipt of copy of this order. The application is disposed of with the aforesaid direction.

5. Learned counsel of the applicant states that he is not pressing the claim for interest. No costs.



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

rv

List of Annexures referred to in the order:

A-9: A true copy of the letter No. M/P3/500/PA/162/2000/VN dated 14.12.2000 issued by the 1st respondent enclosing therewith a letter bearing No. M/P (II) 535/2000/RG/VPC/RCTH dated 8.12.2000 issued by the 3rd respondent.

Annexure R-1: True copy of Office Order No. M/P1(E)/LRG/41/2001 dated 16.3.2001 issued by 3rd respondent.