

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.152/2002

Wednesday this the 6th day of March, 2002

CORAM

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

C.Ayyappan Asari, S/o Chellayan Asari,
Adhoc Blacksmith Grade III
Office of the Junior Engineer
Permanent Way/Southern Railway,
Construction, Trivandrum.
residing at Valiyaveetu vilagam,
Kappiarai Post,
Kanyakumari District.

...Applicant

(By Advocate Mr. KM Anthru)

V.

1. Union of India, rep. by the
General Manager,
Southern Railway, Headquarters Office,
Park Town PO, Chennai.3.
2. The Chief Engineer,
Southern Railway,
Construction, Egmore,
Chennai.8.
3. The Deputy Chief Engineer,
Southern Railway,
Construction, Trivandrum.

..Respondents

(By Advocate Mr. P. Haridas)

The application having been heard on 6.3.2002, 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 Temporary Status Blacksmith Gr.III in the scale Rs.3050-4590 was absorbed and provided a lien with the Trivandrum Division of the Southern Railway on the post of Gangman by order dated 10.4.97. He is aggrieved because on his regularisation as Gangman by order dated 5.7.99 (A.2) his pay was reduced although he was allowed to continue in the Construction Organisation to perform the self same duties of Blacksmith. The applicant made representations Annexures.A3 and A4 but without success. Finding that

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in an application OA 1029/98 the Tribunal had set aside the order reducing the pay of Skilled Artisan absorbed as Gangman and retained in the Construction Organisation, the applicant made a further representation on 25.3.2001 (A6) inviting the attention to the order in OA 1029/98 and claiming the benefit of the judgment. Finding no response the applicant is seriously aggrieved and he has therefore, filed this application for a direction to the respondents to extend the benefit of Annexure.A5 judgment as also the judgment in OA 831/99 (A7) to him and to grant him the consequential benefits including arrears of pay and allowances within a time limit.

2. When the application came up for hearing, Shri P.Haridas, Standing Counsel for Railways took notice for the respondents. Counsel on either side agree that the application may be disposed of directing the second respondent to ^{consider} Annexure.A6 representation in the light of Annexures.A5 and A7 judgment of this Tribunal and to dispose it of with a speaking order and if on such consideration the applicant is found to be entitled to the benefit, to make available the same to the applicant within a stipulated time.

3. In the light of the submission of the learned counsel on either side, the application is disposed of directing the second respondent to consider Annexure.A6 representation in the light of the judgment of this Tribunal in OAs 1029/98 and 831/99 (Annexures.A5 and A7 respectively) and to dispose it of with a speaking order within a period two months from the date of receipt of a copy of this order. We also direct that if on such consideration, the second respondent finds that the applicant in this case is similarly situated like the

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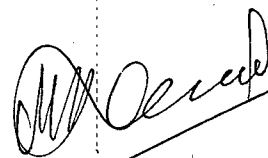


applicants in OAs 1029/98 and 831/99 the benefits flowing out of such decision including arrears shall be made available to the applicant within a period of one month thereafter. No costs.

Dated the 6th day of March, 2002



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

(s)

A P P E N D I X

Applicant's Annexures:

1. A-1 : True copy of the order No.P.564/I/CN/Genl. dated 10.4.1997 issued by the 2nd respondent.
2. A-2 : True copy of the order O.O.No.11/DyCE/CN/TVC/99 dt.5.7.1999 issued by the 3rd respondent.
3. A-3 : True copy of the representation dated 31.7.99 submitted by the applicant to the 3rd respondent.
4. A-4 : True copy of the Appeal dt.15.1.2000 submitted by the applicant to the 2nd respondent.
6. A-5 : True copy of the order dt.19.1.2001 in O.A.No.1029/98 of this Hon'ble Tribunal.
7. A-6 : True copy of the representation dated 25.3.2001 submitted by the applicant to the 2nd respondent.
8. A-7 : True copy of the order dt.14.9.2001 in O.A No.831/99 of this Hon'ble Tribunal.

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