

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.175/2000

Wednesday this the 23rd day of February, 2000

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. J.L. NEGI, ADMINISTRATIVE MEMBER

K.S.Sankaran Nair,
aged 51 years S/o M.S.Kesavan Nair,
Diesel Assistant,
Crew Booking Centre,
Southern Railway, Shornur,
residing at Quarter No.129-C
Ganeshagiri Railway Colony,
Shornur.

...Applicant

(By Advocate Mr. K.M.Anthru/Mr.TCG Swamy)

vs.

1. Union of India represented by the
General Manager,
Southern Railway,
Headquarters Office,
Park Town PO, Madras.3.

2. The Chief Personnel Officer,
Southern Railway,
Headquarters Office,
Park Town PO,
Madras.3.

3. The Divisional Personnel Officer,
Southern Railway,
Palghat Division,
Palghat.

...Respondents

(By Advocate Mrs. Lakshmi rep.Smt.Sumati Dandapani)

The application having been heard on 23.2.2000, 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 was a Loco Khalasi was deputed
for diesel conversion course with effect from 10.6.91. On
successful completion of the said course the applicant
alongwith others was transferred to work under LF/R/ED in
the same pay scale of Loco Khalasi by the order dated
9.12.91. It was stated in that order that those who were


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transferred to work under the Loco Foreman would draw mileage allowance if they are put on independent duty as Diesel Assistants. The applicant was thereafter regularly appointed as a Diesel Assistant on 28.4.93. The claim of the applicant is that as he has been working continuously as a Diesel Assistant ever since the A.I order dated 9.12.91 was issued he is entitled to get scale of pay of Rs.950-1500 right from that date with consequential benefits. The applicant made his first representation only on 25.8.98 which was later followed up by another representation dated 16.1.99. Finding that there is no response to these, the applicant has filed this application for a declaration that he is entitled to have his pay fixed as a Diesel Assistant in the scale of Rs.950-1500 with effect from 9.12.91 under Rule 1313 (a) (ii) (as amended by Railway Board Establishment No.198/91 dated 12.12.91) and to direct the respondents to grant him all consequential benefits.

2. We have perused the application and have heard Shri K.M.Anthru, learned counsel appearing for the applicant and Smt. Lakshmi Jayasankar representing Smt.Sumati Dandapani, learned counsel for the respondents. The applicant has no case that he has been by any order appointed as Diesel Assistant with effect from 9.12.1991. Annexure.AI very clearly says that the applicant ^{who} ~~was~~ a Loco Khalasi was transferred to work under Loco Foreman after completion of diesel conversion course in the same scale of pay. If the applicant had any grievance against such posting, he should have challenged that order and claimed that he should have been put on the pay scale of Rs.950-1500. After a lapse of more than eight years it is not open for the applicant to claim that he is entitled to the pay scale of Rs.950-1500 on the basis of Annexure.AI

The applicant has not placed on record any material to show that the applicant was posted even on adhoc basis as a Diesel Assistant with effect from 9.12.91 or any other post prior to 28.4.93. We, therefore, do not find any basis in the claim made in this application. Therefore, the application is dismissed leaving the parties to bear their costs.

Dated the 23rd day of February, 2000


J.L. NEGI
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

s.

List of annexure referred to:

Annexur.A.I: A true copy of the Office Order No.J/PR 56/91 dated 9.12.91 issued by the third respondent.

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