

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.175/2002

Monday this the 18th day of March, 2002

CORAM

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

V.L.Ouseph aged 53 years
S/o Lonappan,Adhoc Mistry,
Deputy Chief Engineer,Construction,
Calicut residing at Vallachirakkaran House,
Anjeri,Trichur District.

...Applicant

(By Advocate Mr. Martin G.Thottan)

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1. Union of India, represented by
the General Manager,
Southern Railway, Chennai.3.
2. The Deputy Chief Engineer,
Construction,
Southern Railway,
Calicut.

..Respondents

(By Advocate Mrs.Rajeswari Krishnan)

The application having been heard on 18.3.2002, the Tribunal on the same day delivered the following:

O R D E R

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

The applicant who was working as Adhoc Mistry in the Construction Organisation was regularised as Gangman but allowed to continue in the Construction Organisation. Although his pay was fixed at Rs. 4300/- with effect from 1.1.96 with date of next increment on 1.12.96 by Annexure. Al order, by the same order his pay scale was shown as of Gangman. The applicant filed OA 1667/97 challenging the reduction of his pay. That OA was allowed and the reduction of pay was set aside. In

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purported implementation of the judgment of the Tribunal in OA 1667/97 the impugned order Annexure.A3 dated 21.3.2001 has been passed by the second respondent wherein the applicant's pay has been fixed at Rs.4300/- in scale of pay Rs. 4000-6000 with effect from 1.1.97 and his date of next increment is shown as 1.1.98. Pointing out that the date of his next increment should have been 1st December instead of 1st January, the applicant made a representation on 25.6.2001 (A4) to the second respondent. Finding no response to the representation, the applicant submitted a reminder on 3.2.2002 to the second respondent. Even now the applicant has not received any response to these representations. Therefore, the applicant has filed this application for a declaration that applicant is entitled to draw the basic pay of Rs.4400/- with effect from 1st December, 1997 xxx *xx with progression in increments on 1st of December every year and for a direction to the respondents to refix the applicant's pay at the stage of Rs.4400/- in the scale Rs. 4000-6000 with effect from 1st December, 1997 with progression in increments on 1st of December, every year.

2. When the application came up for hearing Smt. Rajeswari Krishnan appeared for the respondents. Counsel on either side agree that the application may be disposed of directing the second respondent to consider the representation submitted by the applicant (Annexure.A4) and to give him an appropriate reply within a reasonable time.

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3. In the light of the submission of the counsel on either side, the application is disposed of directing the second respondent to consider Annexure A4 representation made by the applicant and to give him an appropriate reply within a period of two months from the date of receipt of a copy of this order. There is no order as to costs.

Dated the 18th 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 : A true copy of the office order No.4/CN/GUV/97 of 15.12.97, issued by the Executive Engineer/ Construction/ Southern Railway.
2. A-2 : A true copy of the lawyer notice 20.2.2001, issued by the applicant's counsel to the 2nd respondent.
3. A-3 : A true copy of the Memorandum No.P.359/CN/CLT dt. 21.3.2001, submitted by the applicant to the 2nd respondent.
4. A-4 : A true copy of the representation dated 25.6.2001 submitted by the applicant to the 2nd respondent.
5. A-5 : A true copy of reminder dated 3.2.2002, submitted by the applicant to the 2nd respondent.

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20.3.02