

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.NO. 182/2003

THURSDAY....this the 5th day of January, 2006

CORAM:

HON'BLE MRS SATHI NAIR, VICE CHAIRMAN
HON'BLE MR GEORGE PARACKEN, JUDICIAL MEMBER

1. V.P. Koyanni,
Tindal under the O/o the
Deputy Chief Engineer,
Construction,
Southern Railway,
Calicut.
2. A.P. Hassankutty,
Tindal under the O/o the
Deputy Chief Engineer,
Construction,
Southern Railway,
Calicut.
3. C.Saidalavi,
Tindal under the O/o the
Deputy Chief Engineer,
Construction,
Southern Railway,
Calicut.
4. K.C. Mohammed,
Tindal under the O/o the
Deputy Chief Engineer,
Construction,
Southern Railway,
Calicut.
5. M.K.Abdul Rahman,
Tindal under the O/o the
Deputy Chief Engineer,
Construction,
Southern Railway,
Calicut.

- Applicants

By Advocate M/s B Gopakumar & Silvi Joseph

vs

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

By Advocate Mrs Sumathi Dandapani

The application having been heard on 22.12.2005, the Tribunal on 5.
1.2006 delivered the following:

O R D E R

HON'BLE MR GEORGE PARACKEN, JUDICIAL MEMBER

The present O.A is filed by the applicants, aggrieved by the impugned A-1 order of the third respondent dated 14.2.2003, viz, Deputy Chief Engineer, Construction, southern Railway, Calicut. The order relates to 13 casual labourers working in the office of the Deputy Chief Engineer, Construction, Calicut. The five of those casual labourers have filed the present O.A. By the impugned order A-1, the applicants were empanelled as Gangmen in the scale of Rs.2610-3540 in Thiruvananthapuram Division with effect from

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31.3.97 and were retained in Construction Unit in the respective scales as Tidal/Bridge Helper Grade-I on ad hoc basis. Consequent upon their empanelment and their continuance on ad hoc basis in the office of the Deputy Chief Engineer, Construction, Calicut, their pay has been refixed. The first applicant Shri V.P. Koyanni was granted this scale of pay of Rs.210-290 with effect from 1.1.83 and his pay was fixed at Rs.210/- . As on 1.3.2002 he was granted the scale of Rs.3050-4590 and his pay was Rs.4030 plus 75. According to the refixed pay, he was put in the scale of Rs.200-250 as on 1.1.83 and his pay was fixed at Rs.200/- . As on 1.3.2002, his pay was refixed at Rs.3500 plus 75 in the scale of pay of Rs.3050-4590. Thus, there was a substantial reduction in his pay. Similar fixation has been done in the case of Shri A.P. Hassankutty, Shri C.Saidalavi, Shri K.C.Mohammed and Shri M.K.Abdul Rahman who are respondents 2 to 5 respectively in the present O.A.

2. According to the counsel for the applicant Shri B.Gopakumar, the present case is fully covered by the order of this Tribunal in **V.R.Divakaran & others V. Union of India & Others (OA 831/99)** dated 14.9.2001. That order itself was based on another earlier order in **C.K.Vasu V. Union of India and others (OA 1029/98)** dated 19.1.2001. Both the aforesaid O.As were allowed and the respective impugned orders were quashed and set aside and the respondents were directed to continue to pay the applicant as if the impugned orders have not been issued in their case.

[Signature]

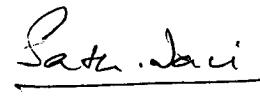
3. Counsel for respondents Smt.Sumati Dandapani has fairly conceded that the case of the applicants herein are fully covered by the aforesaid earlier orders of this Tribunal.

4. In view of the aforesaid facts and circumstances of the case, we set aside the impugned Annexure.A3 order to the extent it relates to the applicants. We further direct the respondents to continue to make the payments to the applicants in this case also as if the impugned orders have not been issued.

5. The O.A is accordingly allowed. No order as to costs.



GEORGE PARACKEN
JUDICIAL MEMBER



SATHI NAIR
VICE CHAIRMAN

S.