

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA NO.185/2006

DATED THURSDAY THE 21ST DAY OF JUNE 2007

CORAM:HON'BLE DR.K.B.S.RAJAN, JUDICIAL MEMBER
HON'BLE DR.K.S.SUGATHAN, ADMINISTRATIVE MEMBER

Ajayakumar.B.
Assistant Loco Pilot,
Southern Railway, Quilon
residing at Kalathil House,
Eruva East, Kayamkulam. Applicant

By Advocate Mr.M.P.Varkey

V/s.

- 1 Union of India represented by
General Manager,
Southern Railway,Chennai-3.
- 2 Senior.Divisional Personnel Officer,
Southern Railway, Trivandrum Respondents

By Advocate Ms.Deepa for Mr.P.Haridas

The application having been heard on 21.6.2007 the Tribunal on the same day delivered the following:

(ORDER)

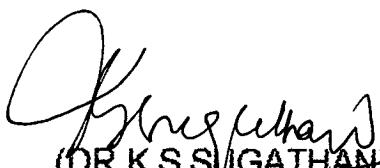
Hon'ble Dr.K.B.S.Rajan, Judicial Member

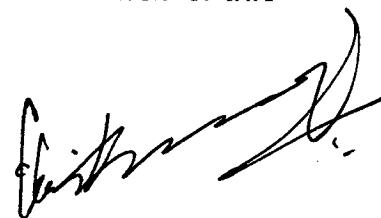
When the case has been taken up for hearing, counsel for the applicant has produced a copy of order dated 25th April, 2007 in OA No.490/2006 wherein the legal issue involved is regarding provision as contained in para 604(a)(iii) inserted in IREM Vol.I (1959) by ACS 19 and whether it is applicable in respect of Inter Divisional Transfer from a higher post to a lower post. By virtue of Railway Board letter dated



29/10/2002, protection of pay of such transferees has been provided for. Since this case is also identical to that of OA - 490/06, we are of the considered view that the decision in OA-490/06 shall bind this case as well.

Accordingly, the OA is allowed. The respondents are directed to pass suitable orders protecting the pay of the applicant and if any recovery has been made, the same be refunded to the applicant. This order shall be complied with within three months of communication of this order. No costs.


(DR.K.S.SUGATHAN)
ADMINISTRATIVE MEMBER


(DR.K.B.S.RAJAN)
JUDICIAL MEMBER

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