

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No.200/2001

Friday this the 11th day of October, 2002.

CORAM

HON'BLE MR.G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER  
HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

S.Ayyappan  
S/o P.Sivan  
Senior Goods Driver  
Southern Railway, Erode.  
Residing at No.196-A  
Railway Colony, Erode.....

Applicant.

(By advocate Mr.T.C.Govinda Swamy)

Versus.

1. Union of India rep. by the  
General Manager  
Southern Railway  
Headquarters Office  
Park Town P.O.  
Madras.
2. The Chief Personnel Officer  
Southern Railway  
Headquarters Office, Park Town P.O.  
Madras.
3. The Divisional Railway Mana[ger  
Southern Railway  
Palghat Division, Palghat.
4. The Senior Divisional Personnel Officer  
Southern Railway  
Palghat Division,  
Palghat.

Respondents.


(By advocate Mr.Thomas Mathew Nellimoottil)

The application having been heard on 11th October, 2002,  
the Tribunal on the same day delivered the following:

O R D E R


HON'BLE MR.G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

Applicant has filed this Original Application seeking the  
following reliefs:



- i) Declare that the applicant is entitled to have his pay fixed from the date of his initial officiation as Goods Driver under para 913(i)(b) of the Indian Railway Establishment Manual, Vol.I read with Rule 1313 of the Indian Railway Establishment Code, Vol.II and to be granted consequential benefits thereof.
- ii) Declare that the applicant is entitled to have his pay fixed under Rule 1313 of the Indian Railway Establishment Code Vol.II on regular promotion to the cadre of Goods Driver, duly taking into consideration the officiating service rendered by the applicant in the same post prior to the date of such regular promotion and to be granted the consequential benefits thereof.
- iii) Direct the respondents to grant the applicant the declaration of para 8(i) and (ii) above, within a time limit as may be deemed fit, just and proper by this Hon'ble Tribunal.
- iv) Award costs of and incidental to this application.
- v) Pass such other orders or directions as may be deemed just, fit and necessary in the facts and circumstances of the case.

2. Today when the Original Application was taken up for final hearing, after making submissions for some time, learned counsel for the applicant submitted that he would be satisfied if the applicant is permitted to make a representation detailing his grievances to the second respondent and the second respondent is directed to dispose of the said representation within a reasonable time. He also submitted that the respondents may be directed to verify the available records with them regarding the officiating of the applicant. Learned counsel for the respondents submitted that there is no objection to adopting such a course of action.



3. In the light of the above submissions made by the learned counsel on both sides, we dispose of this OA giving liberty to the applicant to submit a representation to the second respondent within one month from today and directing the second respondent to pass appropriate orders on the representation so received by him, after verifying from the available records the factual position regarding the officiating of the applicant, within a period of three months from the date of receipt of the representation.

4. The Original Application is disposed of as above. No costs.

Dated 11th October, 2002.



K.V.SACHIDANANDAN  
JUDICIAL MEMBER



G.RAMAKRISHNAN  
ADMINISTRATIVE MEMBER

aa.

A P P E N D I X

Applicant's Annexures:

1. A-1: True copy of the order of the Hon'ble C.A.T., Bangalore Bench in OA No.89/97 dt.16.4.98.
2. A-2: True copy of the order of this Hon'ble Tribunal in OA No.352/99 dated 6.12.99.
3. A-3: True copy of the representation submitted by the applicant to the 3rd respondent dated 20.1.2000.

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22.20.02