

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.214/2004.

Friday this the 19th day of March 2004.

CORAM:

HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER
HON'BLE MR.H.P.DAS, ADMINISTRATIVE MEMBER

G.D.Asok Kumar, Pharmacist Grade I,
Southern Railway, Sub Divisional Hospital,
Shornur. Applicant

(By Advocate Shri TC Govindaswamy)

Vs.

1. Union of India, represented by the
General Manager,
Southern Railway, Headquarters Office,
Park Town P.O., Chennai-3.
2. The Senior Divisional Personnel Officer,
Southern Railway, Palghat Division,
Palghat. Respondents

(By Advocate Shri Thomas Mathew Nellimoottil)

The application having been heard on 19th March 2004,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.KV.SACHIDANANDAN, JUDICIAL MEMBER

The applicant was a Pharmacist Grade III in scale Rs.1350-30-1440-40-1800-EB-50-2200. He was drawing a basic pay of Rs.1520/- in the above scale from 1.3.1993. At the time of implementation of the 5th Central Pay Commission the Pharmacist Grade III in scale of Rs. 1350-2200 was equalised to the scale of Pharmacist Gr.III Rs.4500-150-8000. As far as the applicant is concerned his pay was not fixed accordingly and aggrieved by the said inaction on the part of the respondents the applicant has filed this O.A. seeking the following main reliefs:

- a) Declare that the nonfeasance on the part of the respondents to grant the full arrears of pay and allowances consequent upon the fixation of pay as evidenced by Annexure A-2 is clearly arbitrary, discriminatory, contrary to law and unconstitutional and



direct the respondents to grant the arrears of pay and allowances for the entire period from 1.3.93 to 1.10.97 also - or in the alternative;

- b) direct the second respondent to consider and to take a final decision on Annexure A-3 and to grant the consequential benefits thereof within a time limit as may be found just and proper by this Hon'ble Tribunal.

2. It is submitted that vide A-2 order dated 28.6.02 though the fixation was made the arrears were not paid. Therefore the applicant has made a representation (A3 dated 22.10.02) before the 2nd respondent which is still pending.

3. When the matter came up before the Bench Shri TC Govindaswamy appeared for the applicant and Shri Thomas Mathew Nellimoottil appeared for the respondents. Learned counsel for applicant submitted that the applicant would be satisfied if a limited direction is given to the 2nd respondent to consider and dispose of the representation pending before the authority within a time frame. Learned counsel for the respondents submitted that he has no objection in adopting such a course of action.

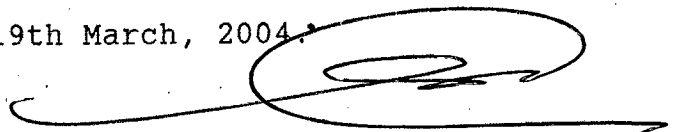
4. In the interest of justice we direct the 2nd respondent to consider and dispose of A-3 representation and communicate the same to the applicant within a period of two months from the date of receipt of a copy of this order.

5. O.A. is disposed of as above. In the circumstance no order as to costs.

Dated the 19th March, 2004.

12.8.04

H.P.DAS
ADMINISTRATIVE MEMBER



K.V.SACHIDANANDAN
JUDICIAL MEMBER

rv