

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 229 OF 2010

Wednesday, this the 17th day of March, 2010

CORAM:

**HON'BLE Mr.JUSTICE K.THANKAPPAN, JUDICIAL MEMBER
HON'BLE Mr. K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

N.Ramesh
Station Master / III, Ochira Railway Station
Residing at 'Ramyas', Njakkanal P.O
Kayamkulam, Alapuzha District ... **Applicant**

(By Advocate Mr.M.P.Varkey)

versus

1. Union of India represented by General Manger
Southern Railway
Chennai – 600 003
2. Senior Divisional Personnel Officer
Southern Railway
Trivandrum - 695014 ... **Respondents**

(By Advocate Ms.P.K.Nandini)

The application having been heard on 17.03.2010, the Tribunal
on the same day delivered the following:

ORDER

HON'BLE Mr.JUSTICE K.THANKAPPAN, JUDICIAL MEMBER

The applicant has filed this OA claiming the benefits of Annexure
A-2 letter of the Government of India, Ministry of Railways, (Railway Board)
dated 30.06.2008.

2 The short facts which led to the filing of the OA is that the
applicant was originally appointed as Assistant Station Master and while he
was continuing in that capacity, he applied for a inter divisional transfer.
Before effecting the transfer he has been promoted as Station Master in

60

the pay scale of Rs.5500-9000. But when the applicant took charge on transfer, his pay was fixed as per Annexure A-1, which he was drawing on fixation of his pay from 2005 onwards. However, the applicant on getting a copy of Annexure A-2 letter of the Railway Board understood that he will be entitled for protection of his pay and he will earn increment from the next year onwards. Hence, the applicant filed Annexure A-3 representation to the 2nd respondent, viz., Senior Divisional Personnel Officer, Trivandrum on 26.06.2009. However, that representation is still pending. Hence the applicant has filed this Original Application.

3. We have heard Mr.M.P.Varkey, learned counsel for applicant and Ms.P.K.Nandini, counsel appearing for respondents on receipt of a copy of the OA. The question to be decided in the OA is whether the applicant is entitled for the claims he put forth through Annexure A-3. The facts revealed before this Tribunal would show that originally he was appointed as Assistant Station Master and subsequently promoted as Station Master. However, before he was transferred, such promotion has been ordered but he was admitted in the transferred post in the pay scale of Assistant Station Master and subsequently his pay was fixed as per Annexure A-1. If so, it is only proper for the respondents to consider whether the applicant is entitled to the benefits which he claims as per Annexure A-2 or not ? For that purpose, the applicant had already represented to the 2nd respondent.

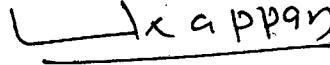
4. In the above circumstance, we feel that the case of the applicant is justifiable and this Tribunal feel that this case can be disposed of at the admission stage itself. Accordingly, the OA is disposed of with a direction to the 2nd respondent to consider Annexure A-3 representation and pass

OB

appropriate orders, within a reasonable time, at any rate, within 45 days from the date of receipt of a copy of this order. While considering the representation, the 2nd respondent shall consider the effect of Annexure A-2 letter of the Railway Board. Ordered accordingly. No order as to costs.

Dated, the 17th March, 2010.


K. GEORGE JOSEPH
ADMINISTRATIVE MEMBER


JUSTICE K. THANKAPPAN
JUDICIAL MEMBER

VS