

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 242 of 199<sup>3</sup>

DATE OF DECISION 11-02-1993

K.V. Yohannan Applicant (s)

Mr. MC Cherian, Smt. Saramma Advocate for the Applicant (s)  
Cherian and Shri TARajan  
Versus

Union of India rep. by Respondent (s)  
Under Secretary, C.W.C. and others

Mr. MVS Namboodiri, ACGSC Advocate for the Respondent (s)  
through Mr. Shafiq-proxy counsel

CORAM :

The Hon'ble Mr. A.V. Haridasan, Judicial Member  
and

The Hon'ble Mr. R. Rangarajan, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. To be circulated to all Benches of the Tribunal? No

## JUDGEMENT

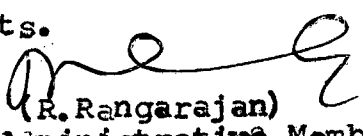
(Hon'ble Mr. A.V. Haridasan, Judicial Member)

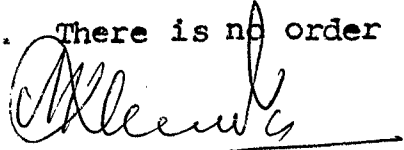
The grievance of the applicant is that by Annexure-VIII order dated 21.1.1992 the respondents have committed an error in fixing his pay in the grade of Khalasi while he was actually working as an Electrician prior to 1984. Objecting to the fixation made and claiming a higher fixation, the applicant made a representation to the second respondent on 10.12.92. This representation is yet to be disposed of. As the grievance of the applicant remains yet to be redressed, the applicant has filed this application under Section 19, of the Administrative Tribunals Act praying that the respondents be directed to give him

higher fixation as claimed by him. It has also been averred in the application that one Shri Thankachan who was re-employed at Cochin under identical circumstance with that of the applicant had been directed to be given higher fixation of pay by the judgment of this Tribunal in O.A.684/91 and that he also is entitled to the same treatment.

2. We are of the view that as the representation is yet to be disposed of, it will be proper if Respondent No.2 is allowed to take a decision in the matter. The learned counsel on either side submitted that it would serve the interest of justice if the application is disposed of at the admission stage itself with a direction to the respondents to dispose of the representation submitted by the applicant on 10.12.92.

3. In view of the submission by the counsel at the Bar we admit this application and dispose it off with the direction to the second respondent to consider and dispose of the representation submitted by the applicant on 10.12.92. We also direct that while disposing of the representation, the direction given in the judgment in O.A.684/91 and whether the applicant in this case and the applicant in the above or no said case Shri Thankachan are identically circumstanced/into may also be taken into account. The representation should be disposed of in accordance with law, with a speaking order within a period of three months from the date of receipt of a copy of this order. There is no order as to costs.

  
(R. Rangarajan)  
Administrative Member

  
(A. V. Haridasan)  
Judicial Member

11.2.93