

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 265 of 1995

Thursday, this the 4th day of July, 1996

CORAM

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

1. C. Gopalan, S/o Late M. Kuttan,
Retired Diesel Assistant,
Residing at "Ganapathy Deepashri"
Ervallur PO, (via) Chilavannur
Kozhikode - Pin 673 616 .. Applicant

By Advocate Mr. T.C. Govindaswamy

Versus

1. Union of India through
the General Manager,
Southern Railway, Head Office,
Park Town PO, Madras-3

2. Divisional Personnel Officer,
Southern Railway,
Palghat Division, Palghat.

3. Additional Divisional Railway Manager,
Southern Railway,
Palghat Division, Palghat. .. Respondents

The application having been heard on 4th July 1996,
the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN:

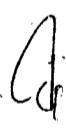
Applicant who retired from service on 31.12.1993,
seeks a direction to respondents, to count his service as Diesel
Assistant from 21.1.1993 and to grant consequential benefits
and arrears of pay.

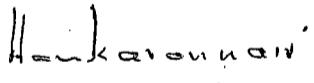
2. According to applicant, he completed training on
9.1.1993 and commenced service as a Diesel Assistant with
effect from 21.1.1993, from which date he claims the benefits.
It is admitted by respondents that applicant completed his

training on 9.1.1993 (para 5 of the reply statement). Annexure A-3 order shows that applicant had been working as a Diesel Assistant from 21.1.1993 and that he had been discharging the duties of that post after being appointed on completion of the necessary training. Applicant is entitled to the benefits of the service with effect from 21.1.1993, the date from which he has been discharging the duties of the post, pursuant to an appointment made in accordance with the rules. Counsel for respondents did not dispute the eligibility of applicant on this basis.

3. In the circumstances, we allow the application and direct respondents to treat applicant as a Diesel Assistant discharging the duties of the post from 21.1.1993 (instead of 10.5.1993). The differential wages for four months and a few days will be paid to applicant within three months from today, and the pension also will be duly revised within that period. There shall be no order as to costs.

Dated the 4th July, 1996


PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

ak/4.7