

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 305 1993 ..

DATE OF DECISION 22.2.93

R. Chandrasekharan and others Applicant (s)

Mr. P. Sivan Piallai Advocate for the Applicant (s)

Versus

Union of India represented by
~~General Manager, Southern Railway,~~ Respondent (s)
Madras-3 and others

Mr. Thomas Mathew Nellimoottil Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. N. DHARMADAN JUDICIAL MEMBER

~~The Hon'ble Mr.~~

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

MR. N. DHARMADAN JUDICIAL MEMBER

M.P. 347/93 for join together, heard, allowed.

Counsel appearing on both sides agreed that this application can be disposed of in view of the fact that Annexure-IV representation is pending before the Divisional Electrical Engineer, the second respondent.

2. Applicants are Khalasis and Khalasi helpers working in the Electrical Department of Southern Railway at Trivandrum. According to ~~xxx~~ the applicants, they are working in the Artisans' cadre drawing ~~xxx~~ a scale of Rs. 750-940 and Rs. 800-1150/-. They further submitted that the services of the applicants were utilised by the Railways in the regular vacancies having higher salary of Rs. 950-1500 and above.

Since there are regular vacancies available, the Railways can consider regularisation of the applicants in that grade and pay them higher salary. Applicants have represented for getting higher scale of pay for the work they are doing by submitting representations. Annexure A-1 is a joint representation submitted by six of the applicants. Learned counsel for applicant submitted that similar representations will be filed by other applicants for getting higher pay. Annexures II and III are reminders sent by them on this behalf. This original application has been filed under section 19 of the Administrative Tribunals' Act for a direction to the respondents to pay the salary of Rs. 950-1500 to the applicants for the entire period from 1987 onwards.


3. If the applicants are already discharging the duties of higher grade on the basis of the direction of the authorities, they are also eligible for higher scale. Since the matter requires detailed examination by the competent authority with reference to official records particularly in view of the fact that Annexure A-1 representation is pending consideration before the competent authority, I am of the view that this application can be disposed of at the admission stage itself by appropriate direction.

4. The learned counsel for the applicants submitted that a fresh joint representation will be filed by all the applicants supplementing Annexure-I so that it will be convenient for the second respondent to deal with the contentions and dispose of the same in accordance with law.

5. I accept the request of the learned counsel for applicant and accordingly I admit the application and dispose of it with directions. The applicants shall file a joint representation stating all the details regarding their work in the higher grade. This shall be done by the

applicants within a week from the date of receipt of this judgment. If such a representation is received by the second respondent, he shall dispose of Annexure-A1 representation supplemented by the joint application ^{to Pt 2} submitted/as directed by the applicants ² above, and pass orders on the same in accordance with law within a period of two months from the date of receipt of the supplementary representation.

6. The application is disposed of as above.
7. There shall be no order as to costs.


(N. DHARMADAN)
JUDICIAL MEMBER
22.2.93

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