

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.305/2002.

Thursday this the 1st day of July 2004.

CORAM:

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

1. L.Suseela, W/o A.M.Ramachandan,
Head Clerk, Office of the Senior
Divisional Electrical Engineer,
Southern Railway, Palghat.
2. E.V.Geetha, W/o Premaraj,
Head Clerk, Office of the Senior
Divisional Electrical Engineer,
Southern Railway, Palghat.
3. R.Meera, W/o C.V.Balasubramanian,
Head Clerk, Office of the Senior
Divisional Electrical Engineer,
Traction Distribution Branch,
Southern Railway, Palghat.
4. K.Ramachandran,
Head Clerk, Office of the Senior
Divisional Electrical Engineer,
Southern Railway, Palghat.

(By Advocate Shri T.C.Govindaswamy)

VS.

1. Union of India, represented by
The General Manager,
Southern Railway,
Park Town P.O., Chennai-3.
2. The Chief Personnel Officer,
Southern Railway,
Park Town P.O., Chennai-3.
3. The Divisional Personnel Officer,
Southern Railway, Palghat Division,
Palghat.
4. The Divisional Accounts Officer,
Southern Railway, Palghat Division,
Palghat. Respondents

(By Advocate Shri Thomas Mathew Nellimoottil)

The application having been heard on 1.7.2004, the Tribunal on the same day delivered the following:



O R D E R

HON'BLE MR.KV.SACHIDANANDAN, JUDICIAL MEMBER

The applicants are presently working as Head Clerks in the scale of Rs.5000-8000 in the Electrical Branch of the Palghat Division of Southern Railway. Aggrieved by the alleged erroneous fixation of their pay with effect from 1.1.1996 under the Railway Services (Revised Pay) Rules, 1997, resulting in drawal of reduced pay in comparison with their junior Shri VK Gopinathan the applicants filed this O.A. seeking the following main reliefs:

- a) Call for the records leading to the issue of Annexures A6 and A7 and quash the same.
- b) Declare that the applicants are entitled to have their pay stepped up to the stage of Rs.5600/- with effect from 1.1.96 in the scale of Rs.5000-8000 on par with their common junior, Shri V.K.Gopinathan and direct the respondents to fix the applicants' pay accordingly.
- c) Direct the respondents to grant the applicants the consequential arrears of pay and allowances of the declaration and direction in para 8 (b) above forthwith.

2. When the matter came up before the Bench, learned counsel for the respondents submitted that he has filed a reply statement contending that the applicants' case has been considered on par with Shri VK Gopinathan and all the reliefs have been granted. The relevant portion in the reply statement is quoted as follows:

"2. It is humbly submitted that Sri V.K.Gopinathan mentioned by the applicant is junior to them. His pay has been fixed at Rs.5300/- with effect from 1.1.96 in scale Rs.5000-8000 duly counting the officiating period as Head Clerk. His pay was refixed as Rs.5450/- with effect from 1.1.96 directly in the upgraded post of Head Clerk in revised pay rule. Hence, an anomaly has come among the applicants and Shri V.K.Gopinathan. A proposal was sent to the Associate Accounts for stepping up of pay on par with Shri V.K.Gopinathan which was not agreed to.

3. It is humbly submitted that consequent on the filing of the Original Application, the matter has been reconsidered and stepping up of pay has been granted to the applicants on par with Sri V.K.Gopinathan as follows:



Pay already fixed

Rs.5300/- from 1.1.96
Rs.5450/- 1.6.96
Rs.5600/- 1.6.97

Pay revised

Rs.5450/- 1.1.96
Rs.5600/- 1.4.96
Rs.5750/- 1.4.97 etc.

Hence it can be seen that the prayer of the applicants for stepping up of the pay on par with Shri VK Gopinathan has become infructuous. The prayer to grant costs is not tenable.

3. Learned counsel for the applicant has also submitted that the applicants have received the benefits and nothing survives and the O.A. became infructuous. Since the O.A. became infructuous, the same is dismissed as infructuous. No costs.

Dated the 1st July, 2004.

H.P.DAS

ADMINISTRATIVE MEMBER



K.V.SACHIDANANDAN
JUDICIAL MEMBER

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