

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No. 319/97

Thursday this the 5th day of June, 1997.

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

HON'BLE MR. P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

U.K. Moideen,
Ballast Train Checker,
Office of the Section Engineer,
Southern Railway,
East Palakkad.

... Applicant

(By Advocate Mr. T.A.Rajan)

Vs.

1. Union of India represented by
the General Manager,
Southern Railway, Madras.
2. The Divisional Personnel Officer,
Southern Railway, Palakkad.

... Respondents

(By Advocate Mr. James Kurien)

The application having been heard on 5.6.97, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant who was promoted as a Senior B.T. Checker in the grade of Rs.1200-1800 against a post created under B.S. for H.Y.E.31.3.91 (Workcharged) is aggrieved by the order dated 5.7.95 by which he has been reverted to the post of B.T.Checker in the scale of Rs.950-1500. Aggrieved by this the applicant made a representation on 5.9.95 which has not been so far disposed of. The applicant alleged that he is still continuing in the grade of Rs.1200-1800. The applicant has therefore filed this application praying that he is

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entitled to continue in the scale of Rs.1200-1800 on the basis of the A-1 order and not liable to be reverted to the grade of Rs.950-1500 and also for a direction to second respondent to consider A-4 representation in the light of A-3 order and to allow the applicant to continue in the grade Rs.1200-1800.

2. The respondents in their reply statement do not dispute the fact that the applicant still continues in the grade of Rs.1200-1800. However the impugned order sought to be justified on the ground that sanction for continuance of the workcharged post has since been lapsed. However, since the applicant has not so far been reverted and as the representation submitted by the applicant against the impugned action is still not disposed of, counsel on either side agreed that the application may be disposed of with a direction to second respondent to consider and dispose of the A4 representation in the light of the order at A-3 and in accordance with the relevant rules and instructions on the subject within a specified period and that till an order is passed and communicated to the applicant on the representation, the applicant shall be allowed to continue in the present grade.

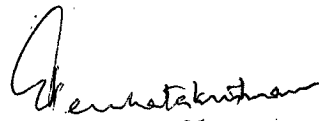
3. In the light of the above submission of the learned counsel the application is disposed of with a direction to the second respondent to consider and

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dispose of the representation submitted by the applicant (A4) in the light of A3 and other rules and instructions on the subject and to give the applicant a speaking order within three months from the date of communication of a copy of this order. We also direct that till such time a speaking order is communicated to applicant on the representation, the applicant shall be allowed to continue in the present grade. No costs.

Dated the 5th day of June, 1997.



P.V.VENKATAKRISHNAN
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

ks.

LIST OF ANNEXURES

1. Annexure A1: True copy of the order No.J/P.5311/
IX/BTC/Vol.II dated 19.11.90 of the 2nd respondent.
2. Annexure A3: True copy of the order No.M/P1(W) 531/BTC
dated 10.3.1993 of the 2nd respondent.
3. Annexure A4: True copy of the representation dated 5.9.95
submitted by the applicant and two others to the 2nd
respondent.

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