

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.321/03

Thursday this the 9th day of October 2003

C O R A M :

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T.NAYAR, JUDICIAL MEMBER

R.Manickavasagam
S/o. Late D.Ramalingam,
Executive Electric Engineer,
Construction, Southern Railway,
Ernakulam Junction.

Applicant

(By Advocate Mr.T.C.Govindaswamy)

Versus

1. Union of India represented by
the General Manager,
Southern Railway,
Headquarters Office,
Park Town P.O., Chennai-3.
2. The Chief Electrical Engineer,
Southern Railway,
Headquarters Office,
Park Town P.O., Chennai-3.
3. The Divisional Railway Manager,
Southern Railway,
Trivandrum Division,
Trivandrum-14.
4. The Senior Divisional Personnel Officer,
Southern Railway,
Trivandrum Division,
Trivandrum-14.
5. The Senior Divisional Electrical Engineer,
Southern Railway,
Trivandrum Division,
Trivandrum.
6. The Chief Engineer (Construction)
Southern Railway, Egmore,
Chennai-8.

Respondents

(By Advocate Mrs.Sumathi Dandapani)

This application having been heard on 9th October 2003 the
Tribunal on the same day delivered the following :

O R D E R

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

Applicant a Divisional Electrical Engineer/Traction of the
Trivandrum open line Division was by order dated 10.12.2002 of

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the 1st respondent transferred and posted as Executive Electrical Engineer/Construction/Ernakulam Junction, against an existing post by Annexure A-1 order. The applicant had 8 day's casual leave to his credit and therefore he had applied for 7 day's casual leave to attend some urgent domestic work from 20.12.2002 to 31.12.2002. However to give effect to the order of transfer immediately he after availing 1 day's casual leave on 20.12.2002 with due intimation to the 3rd respondent and 5th respondent, relinquished the charge of his office(Divisional Electrical Engineer/Traction, Trivandrum) on 21.12.2002 and after availing the joining time, joined the new post on 2.1.2003. His grievance is that in the Last Pay Certificate issued from the office of the Divisional Railway Manager (Annexure A-8), the date of his relief from Trivandrum was shown as 13.1.2003 on the ground that the charge of the post was taken over by somebody else on that date. His representation against that was replied to by Annexure A-13 order dated 5.3.2003 wherein it is stated that the treatment of the period between 21.12.2002 to 13.1.2003 needs the approval of 2nd respondent and the Chief Personnel Officer, Madras. Aggrieved by that the applicant has filed this application seeking to set aside Annexure A-8 and Annexure A-13 and for a direction to the respondents to correctly record the date of relinquishment of the applicant from the post of Divisional Electrical Engineer/Traction/TVC as 21.12.2002 in Annexure A-8.

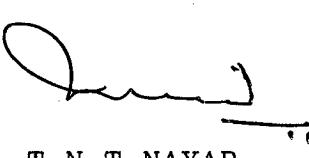
2. The respondents have filed a reply statement as also an additional reply statement raising various contentions. The main contention is that since the officer has unilaterally relinquished the office on 21.12.2002 the date of his deemed relief can be shown as the date on which the office was taken

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charge of by the next incumbent.

3. When the matter came up for hearing the learned counsel for the applicant submitted that since it has been stated in the Annexure A-13 order that treatment of the period between 21.12.2002 to 13.1.2003 the approval of the Chief Electrical Engineer and the Chief Personnel Officer, Madras is required and since in the reply statement also it has been stated that the matter has been referred to the Headquarters, the application may be disposed of permitting the applicant to make a representation to the 1st respondent regarding the treatment of the said period and with appropriate direction to 1st respondent for disposal of the representation within a reasonable time. Counsel for the respondents states that there is no objection in disposing of the application with such a direction. We are also convinced that the better course would be to leave the issue to be decided by the competent authority first. Under these circumstances the application is disposed of permitting the applicant to make a detailed representation projecting his grievances in regard to the Annexure A-8 and Annexure A-13 orders within two weeks and directing the 1st respondent that if such a representation is received, the 1st respondent shall dispose of or have the representation considered and disposed of by the competent authority under it giving the applicant a speaking order within a period of two months from the date of receipt of the representation. No costs.

(Dated the 9th day of October 2003)


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN