CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.323/2000

Wednesday this the 17th day of April, 2002

C O R A M

HON'BLE MR G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER
HON'BLE MR K.V. SACHIDANANDAN, JUDICIAL MEMBER

P.N.Vijayan Pillai,
S/o Narayana Pillai,
Courier,
Office of the Senior Personnel Officer(Court)
Southern Railway, Ernakulam.
Residing at :
Kathullil Parambil House,
Narakkal Post, Perumpilli,
Ernakulam.   :   Applicant

[By Advocate Mr.T.C.Govindaswamy]

Vs.

1.   The Union of India represented by
      the Secretary to the Government of India,
      Ministry of Railways,
      Rail Bhawan, New Delhi.

2.   The Chief Personnel Officer,
      Southern Railway,
      Headquarters Office,
      Park Town (PO),
      Madras - 3.

3.   The Divisional Railway Manager,
      Southern Railway,
      Trivandrum Division,
      Trivandrum - 14.

4.   The Senior Divisional Personnel Officer,
      Southern Railway,
      Trivandrum Division,
      Trivandrum   :   Respondents

[By Advocate Mrs Rajeswari Krishnan]

The application having been heard on 17th April, 2002 the
Tribunal on the same day delivered the following:

                        O R D E R

HON'BLE MR G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

        The applicant filed this Original Application seeking the

following reliefs:

        (a)   Call for the records leading to the issue of
                Annexure A-1 and quash the same to the extent it
                posts the applicant as a Courier in the scale of
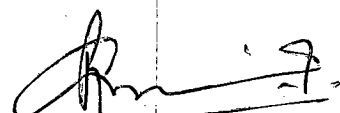   pay of Rs.825-1200/2750-4400.

(b) Declares that upon absorption of the applicant as a Railway Servant with effect from 1.7.90, he is entitled to be posted as a Chief Clerk or in an equivalent post carrying the scale of Rs.1600-2660/5500-9000 and to be granted the consequential benefits thereof, and direct the respondents accordingly.

(c) Call for the records leading to the issue of Annexure A-8 and quash the same.

(d) Direct the respondents to post the applicant as a Chief Clerk or in an equivalent post in scale Rs.1600-2660/5500-9000 with effect from 1.7.90 and to grant the applicant, the consequential benefits thereof, within a time limit as may be found just, fit and proper by this Hon'ble Tribunal.

(e) Award costs of and incidental of this Application.

(f) Pass such other orders or directions as deemed just, fit and necessary in the facts and circumstances of the case.

When the Original Application came up for final hearing today, learned counsel for applicant submitted that he may be permitted to make a representation addressed to the 2nd respondent and the 2nd respondent may be directed to consider the same and pass appropriate orders and give a reply to the applicant. Learned counsel for respondents submitted that there is no objection to adopt such a course of action.

In the light of the above submissions made by the learned counsel for the parties we dispose of this Original Application giving liberty to the applicant to submit a representation to the 2nd respondent and if such a representation is received by the 2nd respondent, the said respondent shall consider the same and pass appropriate orders and give a reply to the applicant within three months from the date of receipt of the representation. No costs.

K.V.SACHIDANANDAN
JUDICIAL MEMBER

G.RAMAKRISHNAN
ADMINISTRATIVE MEMBER

vs

A P P E N D I X

Applicant's Annexures:

1. A-1:   A true copy of the memorandum bearing No.V/P.195/Store dated 16.7.98 issued by the 4th respondent.

2. A-2:   A true copy of the judgment dated 22.4.98 rendered by the Hon'ble Supreme Court.

3. A-3:   A true copy of the certificate dated 30.6.99 issued by the Secretary of the Southern Railway Employees Consumer Co-operative Society Ltd. Kochi.

4. A-4:   A true copy of the representation dated 11.8.98 submitted by the applicant to the 4th respondent.

5. A-5:   A true copy of the representation dated 21.12.98 submitted by the applicant to the 4th respondent.

6. A-6:   A true copy of the representation dated 7.4.99 submitted by the applicant to the 3rd respondent.

7. A-7:   A true copy of the representation dated 16.5.99 submitted by the applicant to the 2nd respondent.

8. A-8:   True copy of the office order No.16/2001/PG dated 2.4.2001 issued by the 4th respondent.

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