

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. No. 330 OF 2003

Thursday, this the 24th day of November, 2005.

CORAM:

HON'BLE Mr. K.V.SACHIDANANDAN, JUDICIAL MEMBER

HON'BLE Mr. N.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

P.N. Kumara Pillai

Working as Catering Supervisor / I

Southern Railway, Trivandrum Central

Residing at : Puthupparambil House

Perumthuruthu P.O

South Kallara, Kottayam

: Applicant

(By Advocate Mr M P.Varkey)

Vs.

1. Union of India represented by General Manager
Southern Railway,
Chennai – 600 003

2. The Chief Commercial Manager,
Southern Railway,
Chennai – 600 003

3. The Additional Divisional Railway Manager
Southern Railway,
Trivandrum – 695 014

4. The Senior Divisional Commercial Manager
Southern Railway,
Trivandrum – 695 014

5. The Divisional Commercial Manager
Southern Railway,
Trivandrum – 695 014

: Respondents

(By Advocate Mr. P.Haridas)

The application having been heard on 24.11.2005, the Tribunal on the same day delivered the following:



ORDER (Oral)

HON'BLE Mr. K.V.SACHIDANANDAN, JUDICIAL MEMBER

Aggrieved by the penalty advice Annexure A-7, appellate order Annexure A-9 and Revisional Order Annexure A-12, reduction of pay of the applicant has filed this Original Application seeking the following main reliefs:-

a, Declare that A-7, A-9 and A-12 orders are illegal, arbitrary, unconstitutional without jurisdiction and opposed to the principles of natural justice and quash the same.

b, Direct the respondents to regulate the pay and grades of the applicant with effect from 01.06.2002 in such manner as if the impugned orders never existed.

2. Mr. M.P.Varkey, learned counsel appeared for applicant and Mr. P. Haridas, learned counsel appeared for respondents.

3. When the matter came up for hearing, the learned counsel for applicant submitted that he has taken a specific averment in the OA that penalty Annexure A-12 has not been implemented but it is likely to be implemented. In the reply statement the respondents are silent about this point. The applicant retired on 31.12.2004 and it is submitted that the applicant has received the pensionary and other retirement benefits except some amount which has been withheld for which the respondents have not given any reason. The applicant submitted that the OA has practically become non effective and what remains is his grievance for withholding of certain amount may be redressed by way of permitting him to give a representation to the respondents within a time frame. The learned counsel for respondents submitted that he has no objection in adopting such a course of action.

4. In the interest of justice, since the reliefs sought has already become ineffective, we permit the applicant to make any further grievance,



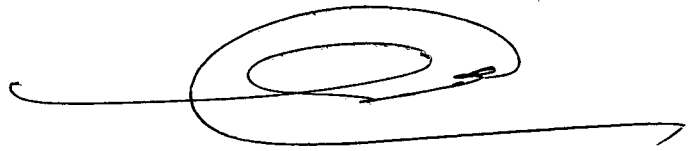
if any, by making a representation to the appropriate authority and seek redressal thereof. If such a representation is received, the respondents shall consider and dispose of the same within a time of four months from the date of receipt of such a representation, if any.

5. The O.A is disposed of as above. No order as to costs.

Dated, the 24th November, 2005.



N. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



K.V.SACHIDANANDAN
JUDICIAL MEMBER

VS