

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.336/2001

Wednesday this the 11th day of April, 2001

CORAM

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

O.Swaminathan  
S/o late Chamu, aged 61 years  
Retired Junior Engineer Gr.II/Bridges,  
South Eastern Railway,  
Bhubaneswar, Chandrasekharpur,  
residing at Onathara House,  
Kadalundi PO,  
Calicut.673 302. ...Applicant

(By Advocate Mr VR Ramachandran Nair)

V.

1. Union of India, represented by  
The General Manager, South Eastern  
Railway, Garden Reach,  
Calcutta.43.
2. The Chief Administrative Officer (P)  
South Eastern Railway,  
Chandrasekharpur  
Bhubaneswar-16.
3. The Chief Engineer (Construction)  
Headquarters, Southern Eastern Raiway,  
Chandrasekharpur,  
Bhubaneswar.16.
4. Senior Project Manager (DII)  
South Eastern Railway,  
Chandrasekharpur,  
Bhubaneswar.16.
5. The Deputy Chief Personnel Officer (Con)  
South Eastern Railway,  
Chandrasekharpur,  
Bhubaneswar.16. ...Respondents

(By Advocate Mr. Thomas Mathew Nellimootil)

The application having been heard on 11.4.2001, the Tribunal on the same day delivered the following:

O R D E R

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

The grievance of the applicant who retired as Junior Engineer Gr.II(Bridges) from the South Eastern Railway, Bhubaneswar is that despite several representations made by him, the 4th respondent has not considered hisgrievances regarding recasting of the leave due to him though his services have been regularised with

contd....

effect from 1.4.73. He is also aggrieved that he has not been granted the difference in composite transfer grant considering the eligibility as 80% of the basic pay as per the recommendation of the Vth Central Pay Commission. His representations in this regard made to the 4th respondent (Annexures.A5 and A12) are still pending. Finding that his representations are falling into deaf ears, he has followed it up by making representations to the Ist respondent General Manager and to the Hon'ble Minister. However, his grievances are still not considered by the respondents. Under these circumstances, the applicant has filed this application for the following reliefs:

- (i) To issue a direction to the respondents to recast the leave account treating the applicant in regular service from 1.4.73 and to make cash payment in lieu of the unutilised leave on average pay on the date of retirement as per the revised leave account, subject to the maximum limitation.
- (ii) To issue a direction to the respondents to grant and pay the difference in composite transfer grant considering the eligibility as 80% of the basic pay as per the recommendation of the Vth Pay Commission.
- (iii) To issue a direction to the respondents to pay 18% interest for the delayed payment.
- (iv) To issue such other orders or directions as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.
- (v) To award costs to the applicant.

2. When the application came up for admission, learned counsel on either side agree that the application may be disposed of directing the 4th respondent to consider the representations submitted by the applicant (Annexures.A5 and A12) in the light of the rules and instructions on the subject and to give him an appropriate reply within a stipulated time.

3. In the result, in the light of the submission of the learned counsel on either side, the application is disposed of directing the 4th respondent to consider Annexures.A5 and A12 representations submitted by the applicant in the light of the rules and instructions on the subject and to give the applicant a speaking order within a period of two months from the date of receipt of a copy of this order. There is no order as to costs.

Dated the 11th day of April, 2001

Amul

A.V. Haridasan  
A.V. HARIDASAN  
VICE CHAIRMAN

(s)

List of annexures referred to:

Annexure.A5: True copy of the representation dated 22.2.99 submitted by the applicant to the 4th respondent.

Annexure.A12. True copy of the representation dated 4.2.2000 submitted by the applicant to the 4th respondent.

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