

O.A.No.380/98

CORAM

1. S.Mariya Paul, aged 45 years Senior Gangman,
S/o Siluvaimuthu, Southern Railway,
residing at Laxmipuram, Under Permanent Way Inspector,
Laxmipuram College Post, Southern Railway,
Kanyakumari District. Nagercoil Junction.
2. R.Glastin Benjamin, aged 45 years -do-
S/o Rasalaym, residing at
Punniyam, Arumanai PO,
Kanyakumari District.
3. G.Selladurai, aged 40 years -do-
S/o Ganesan, residing at
St.Thomas Street,
Ramanputhur,
Nagercoil.2.
4. D.Samsunder Singh aged 46 years -do-
S/o Daniel, residing at
Santhapuram,
Via. Asaripallam,
Kanyakumari District.
5. S.Thiruvazhimarban,
aged 47 years -do-
S/o Sundarakonar,
residing at Keelur,
Tiruppathisaram PO,
Nagercoil.
6. M.Thomas, aged 40 years
S/o Muthunayagam,
residing at Ponnaravilai,
Kappiyarai PO,
Kanyakumari District.
7. N.Subramaniyam, aged 41 years
S/o Narayanan Nadar,
Residing at Karthikaivadali,
Rajakkamangalam PO,
Kanyakumari District.
8. A.Kolappan, aged 45 years
S/o Arumugam Pillai, residing
at Poolancode Carancadu PO,
Kanyakumari District.

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9. P.Nasamony, aged 39 years
S/ Ponnaian, residing at
2-B, Railway Quarters,
Arompoly PO,
Kanyakumari District. .-do-
 10. K.Sadasivan, aged 41 years
S/o Eswara Pillai
residing at Cheruppalur
Kulasekaram PO
Kanyakuamri District. -do-
 11. A.Thulasidhas,
aged 39 years
S/o Ayyappan Pillai,
residing at Keelaputhan Veedu,
Paraseri Aloor PO
Kanyakumari District. -do-
 12. R.Gunaseelam, aged 38 years
S/o Ramasamy, residing at
Thaliyapuram Street,
Vadasery, Nagercoil.1. -do-
- ...Applicants

(By Advocate Mr. K.M.Anthru)

V.

1. Union of India, represented by
the General Manager,
Southern Railway,
Headquarters Office,
Park Town Po, Madras.3.
2. The Divisional Personnel Officer,
Southern Railway,
Trivandrum Division,
Trivandrum.14.
3. The Assistant Engineer,
Southern Railway,
Nagercoil Junction,
Nagercoil. ...Respondents

(By Advocate Mrs.Sumati Dandapani (rep.))

The application having been heard on 31.8.2000 the
Tribunal on the same day delivered the following:

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O R D E R

HON'BLE MR. JUSTICE ASHOK AGARWAL, CHAIRMAN

By the present O.A. applicant has made the following prayers:

"Direct the respondents to fix the pay of the applicants in the promoted post of Senior Gangmen from the date of such promotion and to grant the annual increments as provided under the law and to grant the consequential benefits thereof.

"(b) Award costs of and incidental to this application.

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

2. Respondents in their reply statement has, interalia, averred as follows:

"It is respectfully submitted that in compliance of the Hon'ble Tribunal's judgment in O.A.1019/96, the pay of the applicants in O.A. 1019/96 has been refixed, based on the pay they were drawing prior to the issue of Annexure.A1 Memorandum. A copy of the Memorandum No.V/P.524/Fixation dated 31.7.98 ordering refixation of pay, is produced herewith and marked as Annexure.R.1. From this Memorandum it can be seen that the applicants' pay on promotion as Senior Gangman has been fixed from the date of such promotion and the annual increments thereon have been allowed under the law. The refixation ordered is, however, subject to the conditions stipulated in the Memorandum as mentioned in the same, as it is felt that the applicants are not eligible for higher rate of pay on their absorption to the post of Gangman."

2. Based on the aforesaid averments contained in the reply statement Shri K.M.Anthru, learned counsel appearing on behalf of the applicants states that the reliefs claimed in the O.A. have been

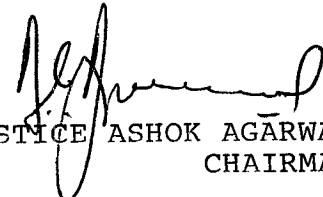
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granted and hence nothing survives in the present O.A.

3. The present O.A. in the circumstances is disposed of with no orders of costs.

Dated the 31st day of August, 2000


G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER


JUSTICE ASHOK AGARWAL
CHAIRMAN

S.