

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.NO.385/05

Wednesday, this the 22nd day of June, 2005.

CORAM :

**HON'BLE Mrs. SATHI NAIR, VICE CHAIRMAN
HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER**

S.Ramachandran
Tower Wagon Driver
Office of the Senior Section Engineer, Over-head Equipments
Southern Railway, Podanur
Residing at : No.73 – A
Railway Hospital Road
Near Southern Railway Signal and
Telecommunication Workshop, Podanur
Coimbatore – 23

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 Senior Divisional Personnel Officer
Southern Railway
Palghat Division, Palghat
3. The Senior Section Engineer
Traction Distribution (OHE)
Podannur Junction, Southern Railway
Coimbatore District

(By Advocate Ms. P.K.Nandini)

The application having been heard on 22.06.2005, the Tribunal on
the same day delivered the following :

contd..2/-

ORDER

HON'BLE Mrs. SATHI NAIR, VICE CHAIRMAN

The applicant was a regularly appointed Tower Wagon Driver in the scale of Rs. 4000-6000. He was promoted with effect from 16.07.1998 and has been continuing in the same post till date. While so, he has received show cause notice Annexure A-2 dated 17.02.2005 proposing to reduce his pay from 16.07.1998 on the ground that the pay fixation done earlier was found to be erroneous. It is stated in the show cause notice that representation against the proposed rectification of the defects could be sent within 10 days and the applicant received the said notice in the applicant's office on 26.02.2005. The applicant submitted a representation dated 03.03.2005 to the 2nd respondent which is still pending consideration. In the meanwhile, the applicant has approached this Tribunal on the apprehension that the pay fixation will be carried out by the respondents without considering the representation. This Tribunal had therefore passed an interim order directing that the pay of the applicant will not be reduced till 22.06.2005.

2. When the case came up for hearing, learned counsel for applicant submitted that he would be satisfied if a direction is given to the respondents to consider his representation dated 03.03.2005 and that the revised pay fixation should not be done without considering his representation.

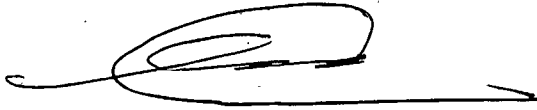
3. Accordingly, we direct the 2nd respondent to consider the representation dated 3rd March, 2005 and to communicate a decision to the applicant within a period of one month from the date of receipt of a copy of this order. Till such a representation is disposed of, the pay of the applicant will not be reduced as proposed in Annexure A-2.

Contd..3/-

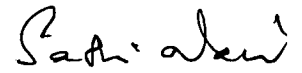


4. With the above directions, the Original Application is disposed of.
No order as to costs.

Dated, the 22nd June, 2005.



K.V.SACHIDANANDAN
JUDICIAL MEMBER



SATHI NAIR
VICE CHAIRMAN

vs