

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.388/2000.

Wednesday, this the 29th day of November, 2000.

CORAM:

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

HON'BLE MR G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

1. A. Abdul Raff, AC/Diesel Assistant,
Crew Booking Office,
Southern Railway, Erode.
2. A. Jeelan Baksha. AC/Diesel Assistant,
Crew Booking Office,
Southern Railway, Erode.
3. M. Rajasekharan, AC/Diesel Assistant,
Crew Booking Office,
Southern Railway, Erode.
4. P. Somasekharan, AC/Diesel Assistant,
Crew Booking Office,
Southern Railway, Shoranur.
5. C.P.Sudhakaran, AC/Diesel Assistant,
Crew Booking Office,
Southern Railway, Calicut.
6. N. Varadarajan, Diesel Assistant,
Crew Booking Office,
Southern Railway, Erode.
7. K. Radhakrishnan, AC/Diesel Assistant,
Crew Booking Office,
Southern Railway, Erode.
8. H. Iqbal Sheriff, A/CDiesel Assistant,
Crew Booking Office,
Southern Railway, Erode.

9. T. Gopinathan, Diesel Assistant,
Crew Booking Office,
Southern Railway, Erode.
10. K. Pushkaran, Diesel Assistant,
Crew Booking Office,
Southern Railway, Calicut.
11. R. Natarajan, Diesel Assistant,
Crew Booking Office,
Southern Railway, Erode.
12. K. Balamannickam, AC/Diesel Assistant,
Crew Booking Office,
Southern Railway, Erode.
13. K.N. Bhageerathan, AC/Diesel Assistant,
Crew Booking Office,
Southern Railway, Palghat.
14. V. Radhakrishnan, AC/Diesel Assistant,
Crew Booking Office,
Southern Railway, Erode.
15. A. Subramanian, AC/Diesel Assistant,
Crew Booking Office,
Southern Railway, Erode.
16. P. Vijayan, AC/Diesel Assistant,
Crew Booking Office,
Southern Railway, Shoranur.
17. P. Subramanian, AC/Diesel Assistant,
Crew Booking Office,
Southern Railway, Erode.
18. A. Balachandran, AC/Diesel Assistant,
Crew Booking Office,
Southern Railway, Erode.

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| 19. | P. Mohamed Ali, | AC/Diesel Assistant,
Crew Booking Office,
Southern Railway, Shoranur. |
| 20. | K. Sunan, | Diesel Assistant, Crew Booking
Office, Southern Railway,
Shoranur. |
| 21. | M. Radhakrishnan,
AC/Diesel Assistant, | Crew Booking Office,
Southern Railway, Palghat. |
| 22. | K. Rangaraj,
AC/Diesel Assistant, | Crew Booking Office,
Southern Railway, Erode. |
| 23. | K. Ramanathan,
Diesel Assistant | - do - |
| 24. | A. Balasubramanian,
AC/Diesel Assistant, | - do - |
| 25. | K. Manneerselvan,
Diesel Assistant. | - do - |
| 26. | A.R. Krishnaswamy,
Diesel Assistant. | - do - |
| 27. | K. Balasubramanian,
AC/Diesel Assistant, | Crew Booking Office,
Southern Railway, Palghat. |
| 28. | S. Ravikumar,
AC/Diesel Assistant, | Crew Booking Office,
Southern Railway, Erode. |
| 29. | K. Sasidharan,
AC/Diesel Assistant, | Crew Booking Office,
Southern Railway, Shoranur. |
| 30. | L. Anand Kumar,
AC/Diesel Assistant, | Crew Booking Office,
Southern Railway, Erode. |
| 31. | E. Babu,
Diesel Assistant, | Crew Booking Office,
Southern Railway, Calicut. |
| 32. | P. Govindan,
Diesel Assistant, | Crew Booking Office,
Southern Railway, Shoranur. |
| 33. | C.A. Krishnankutty,
Diesel Assistant, | Crew Booking Office,
Southern Railway, Erode. |
| 34. | K. Aravindakshan,
Diesel Assistant, | Crew Booking Office,
Southern Railway, Calicut. |
| 35. | A. Balasubramanian,
Diesel Assistant, | Crew Booking Office,
Southern Railway, Shoranur |
| 36. | K. Ramachandran,
Diesel Assistant, | - do - |
| 37. | P.P. Sundaran,
Diesel Assistant, | Crew Booking Office,
Southern Railway, Erode. |
| 38. | T. Palanisamy,
Diesel Assistant, | - do - |
| 39. | P.S. Ravindran,
Diesel Assistant, | - do - |

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| 40. M. Arunachalam,
AC/Diesel Assistant | Crew Booking Office,
Southern Railway, Erode. |
| 41. A. Subramanian
AC/Diesel Assistant | - do - |
| 42. J. Ramesh
Diesel Assistant | Crew Booking Office,
Southern Railway, Erode. |
| 43. V. Sharmugasundaram,
AC/Diesel Assistant, | Crew Booking Office,
Southern Railway, Erode. |
| 44. B. Natarajan,
AC/Diesel Assistant, | - do - |
| 45. M. Krishnamoorthy,
AC/Diesel Assistant, | - do - |
| 46. V. Mohanachandran,
AC/Diesel Assistant, | - do - |
| 47. M. Devadasan,
Diesel Assistant, | Crew Booking Office,
Southern Railway, Shoranur. |
| 48. R. Radhakrishnan,
AC/Diesel Assistant, | Crew Booking Office,
Southern Railway, Shoranur. |
| 49. U. Aravindakshan,
AC/Diesel Assistant, | Crew Booking Office,
Southern Railway, Shoranur. |
| 50. V. Sivaraman,
AC/Diesel Assistant, | Crew Booking Office,
Southern Railway, Erode. |
| 51. M. Sampath,
AC/Diesel Assistant, | - do - |
| 52. K.M. Pushpakaran,
AC/Diesel Assistant, | Crew Booking Office,
Southern Railway, Calicut. |
| 53. B. Antony Muthu,
AC/Diesel Assistant, | Crew Booking Office,
Southern Railway, Erode. |
| 54. K. Rajendran,
AC/Diesel Assistant, | - do - |
| 55. V. Chandrasekharan,
AC/Diesel Assistant, | - do - |
| 56. T.M. Sreenivasan,
AC/Diesel Assistant, | Crew Booking Office,
Southern Railway, Shoranur. |
| 57. K. Ramalingam,
AC/Diesel Assistant, | Crew Booking Office,
Southern Railway, Erode. |
| 58. K.R. Babu,
Diesel Assistant, | Crew Booking Office,
Southern Railway, Palghat. |
| 59. T.M. Raman,
AC/Diesel Assistant, | Crew Booking Office,
Southern Railway, Shoranur. |
| 60. M. Vijayaraghavan,
AC/Diesel Assistant, | Crew Booking Office,
Southern Railway, Calicut. |
| 61. M. Ravindran,
Diesel Assistant, | - do - |

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| 62. | S.V. Pandian,
AC/Diesel Assistant, | Crew Booking Office,
Southern Railway, Erode. |
| 63. | S. Padmanabhan,
AC/Diesel Assistant, | - do - |
| 64. | S. Olaganathan,
AC/Diesel Assistant, | - do - |
| 65. | K. Sureshkumar,
Diesel Assistant, | Crew Booking Office,
Southern Railway, Palghat. |
| 66. | A.K. Shamsudeen,
Diesel Assistant, | - do - |
| 67. | R. Jayakumar,
AC/Diesel Assistant, | Crew Booking Office,
Southern Railway, Erode. |
| 68. | K. Aravindakshan,
Diesel Assistant, | Crew Booking Office,
Southern Railway, Shoranur. |
| 69. | V. Balasubramanian,
AC/Diesel Assistant, | Crew Booking Office,
Southern Railway, Erode. |
| 70. | P. Aravindan,
Diesel Assistant, | Crew Booking Office,
Southern Railway, Calicut. |
| 71. | A.M. Subramanian,
Diesel Assistant, | - do - |
| 72. | K.K. Madhusoodanan,
Diesel Assistant, | Crew Booking Office,
Southern Railway, Palghat. |
| 73. | P.M. Ashok Kumar,
Diesel Assistant, | Crew Booking Office,
Southern Railway, Shoranur. |
| 74. | C.K. Radhakrishnan,
AC/Diesel Assistant, | Crew Booking Office,
Southern Railway, Shoranur. |
| 75. | V.T. Mohanan,
Diesel Assistant, | Crew Booking Office,
Southern Railway, Palghat. |
| 76. | M. Balasubramanian,
Diesel Assistant, | Crew Booking Office,
Southern Railway, Shoranur. |
| 77. | V.K. Haridas,
Diesel Assistant, | Crew Booking Office,
Southern Railway, Palakkad. |
| 78. | K.M. Sayed Mohammed,
Diesel Assistant, | - do - |
| 79. | A. Krishnamoorthy,
Diesel Assistant, | Crew Booking Office,
Southern Railway, Erode. |
| 80. | E.K. Unnikrishnan,
AC/Diesel Assistant, | Crew Booking Office,
Southern Railway, Palghat. |
| 81. | T. Yousuff,
Diesel Assistant, | Crew Booking Office,
Southern Railway, Palghat. |
| 82. | P. Mani,
Diesel Assistant, | - do - |
| 83. | V.C. Gopalan,
Diesel Assistant, | - do - |

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| 84. C. Balakrishnan,
Diesel Assistant, | Crew Booking Office,
Southern Railway, Erode. |
| 85. C. Dandapani,
Diesel Assistant, | Crew Booking Office,
Southern Railway, Erode. |
| 86. A. Devadasan,
Diesel Assistant, | Crew Booking Office,
Southern Railway, Palghat. |
| 87. K. Murukkunni,
Diesel Assistant, | Crew Booking Office,
Southern Railway, Erode. |
| 88. K.K. Radhakrishnan,
Diesel Assistant. | - do - |
| 89. T. Mani,
Diesel Assistant, | Crew Booking Office,
Southern Railway, Palakkad. |
| 90. A. Rajamoorthy,
AC/Diesel Assistant, | Crew Booking Office,
Southern Railway, Erode. |
| 91. P. Rajendran,
Diesel Assistant, | - do - |
| 92. K. Rajan,
Diesel Assistant, | Crew Booking Office,
Southern Railway, Palghat. |
| 93. G. Palani,
Diesel Assistant, | Crew Booking Office,
Southern Railway, Erode. |
| 94. Dakshin Railway Employees' Union,
Reg. No. 3068, Erode, represented by
the Joint General Secretary, R.G. Pillai. : Applicants | |

(By Advocate M/s Santhosh and Rajan)

Vs.

1. Union of India, represented by the
General Manager, Southern Railway,
Park Town P.O., Chennai - 3.
2. The Divisional Railway Manager,
Southern Railway, Palakkad.
3. The Senior Divisional Personnel Officer,
Southern Railway, Palakkad. Respondents

(By Advocate Smt. Sumathi Dandapani)


The application having been heard on 29.11.2000, the Tribunal on the same day delivered the following:

O R D E R

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

The applicants 1 to 93 are Diesel Assistants in the scale of Rs.950-1500 (Revised as Rs.3050 - 4590). They were Steam Surplus Staff redeployed in other departments. However, they were later sent for Diesel Conversion Training and were appointed as Diesel Assistants on various dates during 1993, 1994, 1995. However, on appointment as Diesel Assistants their pay was fixed uniformly at Rs.970/- without considering the last pay drawn by them in their respective posts at the time when they were appointed as Diesel Assistants. Their representations for refixation of their pay with reference to the pay drawn by them in their respective grades were not considered by the respondents. Therefore, the applicants presented their case through the Dakshin Railway Employees Union represented by the Joint Secretary, Shri R. G. Pillai, as the 94th applicant. This application has been filed for a declaration that the applicants 1 to 93 are entitled to get the substantive pay of their old post on their appointment as Diesel Assistants and for a direction to the respondents to fix the pay of the applicants at their substantive pay of old posts on their appointment as Diesel Assistants and to grant the arrears with 18% interest.

2. In the reply statement the respondents have stated that in the case of Artizans Grade II and Grade I, orders fixing their pay duly protecting their pay has already been issued and regarding the rest, the orders of the Central Administrative Tribunal is awaited.

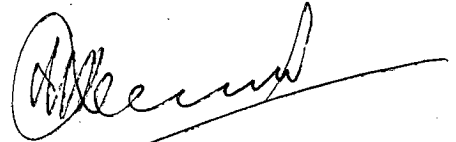


3. Identical question as involved in this case was considered by this Bench of the Tribunal in O.As.691/97, 693/97, 735/97, 750/97, 858/97 and 998/97 and those O.As. were disposed of by a common order, directing the respondents that the pay of the applicants as Steam Surplus Staff redeployed and later appointed as Diesel Assistants should be fixed in accordance with the provisions of Rule 1313 a(i) and a(ii) as the case may be. We follow the above ruling of the Tribunal and direct the respondents to fix the pay of the applicants 1 to 93 under Rule 1313 a(i) and 1313 a(ii) as the case may be with reference to the pay received by them on the post actually and regularly held by them on the dates of their appointment as Diesel Assistants and to make available to them the monetary benefits within a period of three months from the date of receipt of a copy of this order. No costs.

Dated the 29th November 2000.



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN