

FREE CC PY U.R 22
OF C.A.T. (PROCEDURE) RULES

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.383/99

&

OA No.393/99

Monday, this the 12th day of November, 2001.

CORAM

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR. G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

OA No.383/99

1. K.N.Jayapalan
S/o Narayanan
Head Booking Clerk
Southern Railway, Calicut.
2. Shini Prakash
W/o Prakash
Senior Booking Clerk
Southern Railway, Calicut.
3. Anitha Chandy
D/o O.T.Chandy
Senior Commercial Clerk
Southern Railway, Calicut.
4. V.Sethu Lakshmy
W/o Venugopal
Senior Booking Clerk
Southern Railway, Calicut.
5. B.Rugmini
W/o Vijayakumar
Head Booking Clerk
Southern Railway, Calicut.
6. S.Rajalakshmi
D/o Sivasankara Iyer
Senior Booking Clerk
Southern Railway, Calicut.
7. K.T.Ramesh Babu
S/o Sekharan
Chief General Clerk
Southern Railway
Parappanangadi.
8. C.M.Bertymol
W/o Alfred
Senior Commercial Clerk
Southern Railway, Calicut.
9. Santhosh R.Chandran
S/o K.E.Ramachandran
Senior Booking Clerk
Southern Railway, Palghat.
10. T.P.Sudhakaran
S/o Padmanabhan Nair
Senior Booking Clerk
Southern Railway, Calicut.

11. Mary Kunju
/W/o Sunny Cheriyan
Senior Commercial Clerk
Southern Railway, Calicut.

Applicants.

[By advocate Mr.T.C.Govindaswamy]

Versus

1. Union of India represented by
The General Manager, Southern Railway
Headquarters Office, Park Town P.O.
Madras.
2. The Chief Commercial Manager
Southern Railway,
Headquarters Office
Park Town P.O., Madras.
3. The Senior Divisional Commercial Manager
Southern Railway, Palghat Division
Palghat.
5. The Financial Adviser & Chief Accounts Officer
Southern Railway, Headquarters Office
Park Town P.O.
Madras.
6. The Chairman
Railway Board
Rail Bhawan
New Delhi.

Respondents.

[By advocate Mrs.Sumathi Dandapani]

OA No.393/99

1. M.K.Prasanna
W/o A.K.Dharmajan
2. K.C.Lakshmikutty
W/o M.P.Surendran
3. P.P.Antony
S/o P.A.Philip
4. J.Stella
D/o K.Joseph
(All are Senior Commercial Clerks, Southern Railway
Booking Office, Cannanore, Palghat Division)
5. M.Valsala
W/o Jyothi Kumar
Head General Clerk
Southern Railway, Booking Office
Tellicherry.

Applicants.

[By advocate Mr.T.C.Govindaswamy]

Versus

1. Union of India represented by
The General Manager
Southern Railway
Headquarters Office
Park Town P.O.
Madras.
2. The Chief Commercial Manager
Southern Railway, Headquarters Office
Park Town P.O.
Madras.
3. The Senior Divisional Commercial Manager
Southern Railway, Palghat Division
Palghat.
4. The Senior Divisional Personnel officer
Southern Railway
Palghat Division, Palghat.
5. The Financial Adviser & Chief Accounts Officer
Southern Railway, Headquarters Office
Park Town P.O.
Madras.
6. The Chairman
Railway Board
Rail Bhawan
New Delhi.

[By advocate Mrs. Sumathi Dandapani]

These two applications having been heard together on 12th November, 2001, the Tribunal on the same day delivered the following common order:

O R D E R

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

In both these cases, applicants who are in the cadre of Commercial Clerks/Booking Clerks of the Palghat Division of Southern Railway are aggrieved by the action of the Railway Administration requiring them to remit the amounts shown in the impugned orders. It is alleged in the application that the applicants would be put to undue hardship and undeserved loss if the impugned orders are carried out as the orders are unreasonable and arbitrary.

2. The application is opposed by the respondents. When the application came up for final hearing today, learned counsel on either side agreed that the application can be

disposed of permitting the applicants in these two cases to make detailed representations to the Chairman, Railway Board, New Delhi regarding their grievance and directing the Chairman, Railway Board, New Delhi to dispose of their representations within a reasonable time.

3. In the light of the above submission, these two applications are disposed of permitting the applicants to make detailed representations to the Chairman, Railway Board, New Delhi (6th respondent) within 15 days from today and directing the 6th respondent that if such representations are received, appropriate reply shall be given to the applicants within a period of three months from the date of receipt of the representations.

Dated 12th November, 2001.

Sd/-
(G.RAMAKRISHNAN)
ADMINISTRATIVE MEMBER

Sd/-
(A.V.HARIDASAN)
VICE CHAIRMAN

aa.



APPENDIX

O.A. 383/99

APPLICANT'S ANNEXURE

1. Annexure A1: Copy of the Outstanding List of Calicut Railway Ticketing System for February, 1999 issued by the Chief Booking Supervisor, dated 3.3.99 (as extracted by the applicants).
2. Annexure A2(a): Copy of the letter No.J/C.419/II/AD/ARTS/CLT dated 22.2.99 issued by the third respondent.
3. Annexure A2(b): Copy of the letter No.J/C.419/II/AD/ARTS/CLT dated 22.2.99 issued by the third respondent.
4. Annexure A2(c): Copy of the letter No.J/C.419/II/AD/ARTS/CLT dated 22.2.99 issued by the third respondent.
5. Annexure A2(d): Copy of the letter No.J/C.419/II/AD/ARTS/CLT dated 22.2.99 issued by the third respondent.
6. Annexure A2(e): Copy of the letter No.J/c.419/II/AD/ARTS/CLT dated 22.2.99 issued by the third respondent.
7. Annexure A2(f): Copy of the letter No.J/C.419/II/AD/ARTS/CLT dated 22.2.99 issued by the third respondent.
8. Annexure A2(g): Copy of the letter No.J/C.419/II/AD/ARTS/CLT dated 22.2.99 issued by the third respondents.
9. Annexure A2(h): Copy of the letter No.J/C.419/II/AD/ARTS/CLT dated 22.2.99 issued by the third respondent.
10. Annexure A2(i): Copy of the letter No.J/C.419/II/AD/ARTS/CLT dated 22.2.99 issued by the third respondent.
11. Annexure A2(j): Copy of the letter No.J/C.419/II/AD/BO/CLT dated 10.3.99 issued by the third respondent.
12. Annexure A2(k): Copy of the letter No.J/C.419/II/BO/CLT dated 10.3.99 issued by the third respondent.
13. Annexure A3: Copy of the Joint Procedure order communicated by the third respondent under letter No.J/C.565/SPTM/Genl/97 (6892)/(8/118/97) dated 26.9.97.
14. Annexure A4: Copy of the Joint Commercial and Accounts Procedure Order communicated under letter No.C 548/1/5/1 Vol.IV dated 13.12.96, by the Chief Commercial Manager, Western Railway, Mumbai.
15. Annexure A5: True extract of the relevant provisions of Indian Railway Commercial Manual (Paragraphs 229, 237 and 264) issued by the Railways.

RESPONDENT'S ANNEXURE

1. Annexure R3(1): Copy of the relevant extract of the recommendations of the committee headed by Shri R.K.Thoopal constituted as per notification No.ERB/I/96/23/15 dated 9.5.96.
2. Annexure R3(2): Copy of Railway Boards letter No.95/TOI/10/30/SPTM dated 10.12.96.
3. Annexure R3(3): Copy of Joint procedure order. dated 18.9.97 of the Railway Board.

.....6/-

O.A. 393/99

APPLICANT'S ANNEXURE

1. Annexure A1(a): Copy of the letter No.J/C.419/II/AD/BO/CAN dated 10.3.99 issued by the third respondent.
2. Annexure A1(b): Copy of the letter No.J/C.419/II/AD/BO/CAN dated 10.3.99 issued by the third respondent.
3. Annexure A1(c): Copy of the letter No.J/C.419/II/AD/BO/CAN dated 10.3.99 issued by the third respondent.
4. Annexure A1(d): Copy of the letter No.J/C.419/II/AD/BO/CAN dated 10.3.99 issued by the third respondent.
5. Annexure A1(e): Copy of the letter No.J/C.419/II/AD/BO/CAN dated 10.3.99 issued by the third respondent.
6. Annexure A2: Copy of the Joint Procedure Order communicated by the third respondent under letter No.J/C.565/SPTM/Genl/97(6892)/(8/118/97) dated 26.9.97.
7. Annexure A3: Copy of the Joint Commercial and Accounts Procedure Order communicated under letter No.C 548/1/5/1 Vol.IV dated 13.12.96 by the Chief Commercial Manager, Western Railway, Mumbai.
8. Annexure A4: True extract of the relevant provisions of Indian Railway Commercial Manual(Paragraphs 229, 237 and 264) issued by the Railways.

RESPONDENT'S ANNEXURE

1. Annexure R3(1): Copy of the relevant extract of the recommendations of the committee headed by Shri R.K. Thoopal Constituted as per notification No.ERB/I/96/23/15 dated 9.5.96.
2. Annexure R3(2): Copy of Railway Board's letter No.95/TGI/10/30/SPTM dated 10.12.96.
3. Annexure R3(3): Copy of Joint Procedure Order dated 18.9.97 of the Railway Board.

.....

CERTIFIED TRUE COPY

Date

Deputy Registrar