

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA),
Indiranagar,
Bangalore- 560 038.

Dated: 9-11-87

APPLICATION NO 1485 / 86 (T)
W.P.No. 8829/85

APPLICANT

Vs

RESPONDENTS

Shri P. Loganathan.

The Secy, M/o Railways & 5 Ors

To

1. Shri P. Loganathan
Carpenter (CL Artisan)
New LTI No. 595 (Old No. 55)
IOW/A, SPC Section
Divisional Office,
Bangalore Division
Southern Railway
Bangalore City Railway Station
Bangalore

5. The Divisional Railway Manager
Southern Railway
Bangalore Division
Bangalore City Railway Station
Bangalore

6. The Senior Divisional Engineer,
SBS/, Bangalore Division
Southern Railway
Bangalore

7. The Divisional Personnel Office
SBC, Bangalore Division
Southern Railway
Bangalore

2. Shri K. Subba Rao
Advocate
128, Cubbonpet Main Road
Bangalore - 560 002

8. Shri M. Sreerangaiah
Railway Advocate
3, S.P. Buildings, 10th Cross
Cubbonpet Main Road
Bangalore - 560 002

3. The Secretary
Ministry of Railways
Rail Bhavan
New Delhi - 110 001

4. The General Manager
Southern Railway
Park Town
Madras - 3.

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER ~~NOTARY~~

~~EXPLANATION~~ passed by this Tribunal in the above said application

on 30-10-87.

RECEIVED 7 copies 10/11/87
Diary No. 1390/CR/87

Date: 10-11-87 A.Y

Encl: as above.

*Recd the copy
Murali 11/11/87*
Section Officer
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE

DATED THIS THE 30TH DAY OF OCTOBER, 1987.

PRESENT:

Hon'ble Mr. Justice K.S.Puttaswamy, .. Vice-Chairman.

And:

Hon'ble L.H.A.Rego, .. Member(A)

APPLICATION NUMBER 1485 OF 1986(T)

P.Loganathan,
S/o Periaswamy, Aged about 38 years,
now Working as Carpenter (CL Artisan),
New ITI No.595 (Old No.55) IO W/A, SPC Section
Divisional Office, Bangalore Division,
Southern Railway, Bangalore City
Railway Station, Bangalore. .. Applicant.

(By Sri K.Subba Rao, Advocate)

v.

1. The Union of India represented
by the Secretary to Government of India,
Ministry of Railways, Rail Bhavan,
New Delhi.
2. The General Manager,
Southern Railway,
Park Town, Madras.
3. The Divisional Railway Manager,
Southern Railway, Bangalore Division,
Bangalore City Railway Station,
Bangalore.
4. The Senior Divisional Engineer,
SBC, Bangalore Division,
Southern Railway, Bangalore.
5. The Divisional Personnel Officer, SBC,
Bangalore Division, Southern Railway,
Bangalore. .. Respondents.

(By Sri M.Sreerangaiah, Advocate)

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This application having come up for hearing this day, Vice-Chairman made the following:

O R D E R

This is a transferred application and is received from the High



High Court of Karnataka under Section 29 of the Administrative Tribunals Act, 1985 ('the Act').

2. The applicant initially joined service as a Casual Labourer in the Southern Railways in 1972 and his services were not continued during the general Railway strike in 1974. But, thereafter the applicant was appointed on 20-3-1976 on a monthly rate of pay of Rs.196/- in the then time scale of Rs.196-232 (vide: Office Order No.P3/W/167/77, dated 21-7-1977 - Annexure-B). On 7-5-1983 (Annexure-C) the Divisional Personnel Officer, Bangalore (DPO) sanctioned the time scale of Rs.260-400 from 20-3-1976 to the applicant with which he has no grievance.

3. But, in his Writ Petition No.8829 of 1985, which is transferred and registered as A.No.1485 of 1986 (T), the applicant had however claimed for extending the financial benefits due to him under the said order from 20-3-1976. In their reply, the respondents have stated that the same had already been made available to the applicant, which is not disputed by him. Hence, this claim no longer survives for our consideration.

4. On 22-5-1985 (Annexure-D) the DPO made another order against the applicant and others fixing their pay in the lower time scale of Rs.200-250 as against the higher time scale of Rs.260-400 allowed on 7-5-1983. But, notwithstanding this order, the applicant was not actually reverted to the lower time scale and has been allowed to draw the higher time scale of Rs.260-400 thereafter also. Naturally apprehending that this order was a reversion order, the applicant approached the High Court challenging the same on diverse grounds.

5. In justification of the orders made, the respondents have



have filed their reply.

6. Shri K.Subba Rao, learned counsel for the applicant, contends that the order dated 22-5-1985 made by the DPO, as a reversion order, was plainly illegal and impermissible.

7. Shri M.Sreerangaiah, learned counsel for respondents, sought to support the impugned order.

8. Whatever be the nature of the impugned order and the necessity for making the same, there is now no dispute that the same had not been operated against the applicant from 22-5-1985 and onwards and he had been allowed to retain the higher grade and time-scale of pay sanctioned by the DPO on 7-5-1983. Sri Sreerangaiah informs us that the order made on 22-5-1985 will not be enforced and his case for absorption or empanelment as a skilled artisan, will be examined and decided in terms of the Railway Board Circular No.P(L)407/Rules/Vol.III dated 20-10-1987. We need hardly say that in so doing, all other orders and circulars that have a bearing have also to be taken into consideration by the authorities. In this view, there is no necessity to examine and annul the impugned order.

9. In the light of the above discussion, we pass the following orders and directions:

- (i) We dismiss this application in so far as it relates to the claim of the applicant for arrears of salary and other allowances on the basis of the order dated 7-5-1983 (Anneuxre-C).
- (ii) We direct the respondents to consider the case of the applicant for empanelment or regularisation in terms of the Board's Circular dated 20-10-1987 and all other circulars bearing on the same and pass appropriate orders as the circumstances justify in the case with expedition.



10. Application is disposed of in the above terms. But, in the circumstances of the case we direct the parties to bear their own costs.



Knis/Mrv/np.

Sd/-

VICE-CHAIRMAN

20/10/81

Sd/-

MEMBER(A)

"True COPY"

Hase
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

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