

(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

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D.A. 817/91.

Dt. of Decision : 30-9-94.

M.K. Prakasa Rao

.. Applicant.

Vs

1. Rail India Technical and Economic Services Limited (A Govt. of India undertaking) rep. by the General Manager, Iraqi Division, 13, Community Centre, Saket, New Delhi-17 (RITES).

2. The General Manager,  
SE Rly, Garden Reach,  
Calcutta.

3. The Divisional Railway Manager,  
SE Rly, Visakhapatnam.

4. The Railway Board,  
rep. by its Secretary,  
New Delhi.

.. Respondents.

Counsel for the Applicant : Mr. K.V. Subrahmanyam Narusu

Counsel for the Respondents : Mr. N.R. Devaraj, Sr. CGSC.

CORAM:

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (JUDL.)

THE HON'BLE SHRI A.B. GORTHI : MEMBER (ADMN.)

O. A. 817/91.

Dt. of Decision : 30-9-94.

ORDER

¶ As per Hon'ble Shri A.V. Haridasan, Member (Judl.) ¶

When the applicant was working as A-Grade Driver under the third respondent, he was selected for secondment to Iraq as category E, Assistant Loco Driver by an order dt. 11.2.1988 of the first respondent. On the basis of the selection, an agreement was executed between the applicant and the first respondent by which according to the applicant he was entitled to get a monthly salary of Rs. 9,119/-. He served for about a year and thereafter he was repatriated. The applicant's grievance is that though he was entitled to monthly salary of Rs. 9,119/-, he was paid salary only at the rate of Rs. 7,806/- and that, he was not given the upgradation as to category-D and also, that he was not given a month's pay in lieu of notice before he was repatriated. The applicant got a lawyer notice issued to the first respondent, to which, he received a reply turning down his demand for upgradation to category D. Therefore, the applicant has filed this application on 18-2-1991 praying ~~for~~ that, appropriate direction may be issued to the respondents to pay to him a sum of Rs. 74,252.45 ps., being the difference in pay and allowances and the pay for salary for one month in lieu of notice and the salary which should have been paid to him in case he was upgraded to category D.

2. Notices were issued before admission to the respondents. The notice of the first respondent was returned unserved, whereas Shri N.R. Devaraj, Sr. standing counsel for the respondents appeared on behalf of the Railways.

Copy to:

1. The General Manager, Iraqui Division,  
Rail India Technical and Economic Services Limited  
(A Govt. of India undertaking) 13, Community Centre,  
Saket, New Delhi - 17 (RITES).
2. The General Manager, South Eastern Railway,  
Garden Reach, Calcutta.
3. The Divisional Railway Manager, South Eastern Railway,  
Visakhapatnam.
4. The Secretary, Railway Board, New Delhi. <sup>No. 3-4-526/35, Baratpura</sup>
5. One copy to Mr.K.V.Subrahmany Narusu, Advocate, Hyderabad.
6. One copy to Mr.N.R.Devraj, Sr.CGSC, CAT, Hyderabad.
7. One copy to Library, CAT, Hyderabad
8. One copy for spare.

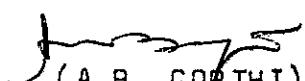
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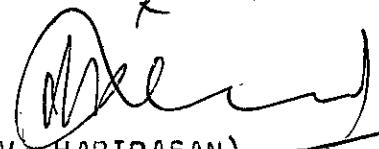
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(GB)

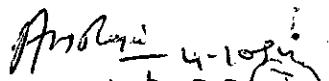
But on behalf of the respondents 2 and 3 also no reply was filed. When the matter came up again before us today Shri N.R.Devaraj, learned counsel for the respondents 2 and 3 appeared and contended that as the applicant has not so far made any representation in regard to his grievance to respondent No.2 and 3 and has approached the Tribunal after sending a legal notice to the first respondent, the respondent 2 and 3 cannot now grant any relief to the applicant and the proper course left for him could have been to approach the respondents No. 2 and 3 first. We are of the considered view that this point has been well taken. The applicant before approaching the Tribunal in this case, should have actually projected his grievance in an appropriate representation to ~~his~~ employer first, so that, the respondents 2 and 3 could have taken up the matter with the first respondent and probably settled the issue. Under these circumstances, we are of the considered view that it would be appropriate to direct the applicant to make a representation to ~~put forth~~ <sup>Carrying</sup> all his grievance in regard to his services under RITES to the second respondent and a direction to respondent No.2 to take up the matter with the first respondent and to see that the matter is settled.

3. In the result, the application is disposed of at the admission stage, directing the applicant to submit a representation to the second respondent projecting all his grievance in regard to services under the first respondent within a period of one month from the date of communication of this order and with a direction to the second respondent to take up the matter with the first respondent if a representation <sup>is</sup> <sub>within the said period</sub> as aforesaid has been received from the applicant and settle the issue without much delay.

  
(A.B. GORTHI)  
MEMBER(ADMN.)

  
(A.V. HARIADASAN)  
MEMBER(JUDL.)

Dated : 30th Sept. 1994.  
Dictated in Open Court.

  
Deputy Registrar (J)  
Contd...

Typed by  
Checked by

Compared by  
Approved by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR.A.V.HARIDASAN : MEMBER(J)

AND

THE HON'BLE MR.A.B.GORTHI : MEMBER(A)

Dated: 30.9.94

ORDER/JUDGMENT.

M.A./R.P/C.P/No.

O.A.NO. 817/91

T.A.NO.

(W.P.NO.)

Admitted and Interim Directions  
Issued.

Allowed.

Disposed of with Directions.

Dismissed.

Dismissed as withdrawn.

NO SPARE

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

