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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION No. 1200 of 1996

DATE OF DECISION : 04-10-96.

1. N.Goverdhan
2. M.N.V.Mohan Rao
3. E.V.Sekhar Babu
4. K.Mohan Rao
5. Dontula Durga Rao

.. Applicants

Vs.

1. The Sr.Divl.Personnel Officer,
SC Railway,Vijayawada Division,
Vijayawada,Krishna District.
2. The Divl.Rly.Manager,
SC Rly,Vijaywada Division,
Vijayawada,Krishna District.
3. The General Manager,
SC Rly, Rail Nilayam,
Secunderabad.

.. Respondents.

Counsel for the Applicants : Mr. M.C.Jacob

Counsel for the Respondents : Mr.J.R.Gopala Rao,SC for Rlys.

CORAM:-

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN)

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ORDER

ORAL ORDER (PER HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.))

Heard Mr. M.C.Jacob, learned counsel for the applicants and Mr. J.R.Gopala Rao, learned counsel for the respondents.

2. There are 5 applicants in this OA. All of them while working as ASM in the scale of pay of Rs.1400-2300/- in (MG) ~~of~~ Hyderabad division were transferred to Vijayawada Division in terms of para 312 of IREM.Vol.II. They are posted as ASM in the grade of Rs.1200-2040/- in Vijayawada division of SC Railway. But it is stated that their pay in the scale of pay of Rs.1200-2040/- was not protected when they were absorbed in Vijayawada division in terms of Rule-1313 of IREC Vol.I. The details of the pay drawn by them in Hyderabad division at the time of their relief and their pay fixation in Vijayawada division is given in Annexure-I to the OA.

3. All the applicants submitted representations on 2-2-96, 12-4-95, 11-1-96, 25-8-95 and 14-2-96 (Annexure-8 to 12) to R-2 for protecting their pay in terms of Code Rule mentioned above. But it is stated that no reply has been given to the representations so far.

4. Aggrieved by the above they filed this OA for protecting their pay in terms of Rule 1313 (a) (ii) and (iii) of IREC, Vol.II when they were absorbed Vijayawada division in the grade of Rs.1200-2040/- following the direction given in OA.No.1252/94 on the file of this Bench.

5. It is seen that the representations of the applicants are still pending. It is essential that an opportunity ^{has} to be given to the respondents to dispose of their representations.


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Hence, it will be in order if the OA is remitted back to R-2 to dispose of the representation in accordance with law taking due note of the directions given in OA.1252/94 on the file of this Bench.

6. In the result, the following direction is given:-


R-2 should dispose of the representations of the applicants herein enclosed in Annexure-8 to 12 in accordance with rules taking due note of the directions given in OA.1252/94 disposed of by this Bench which is enclosed as Annexure-13 of the OA. If a favourable decision is taken in the case of the applicants by R-2 then the applicants are entitled for arrears if any on that basis only from one year prior filing of this OA i.e., from 23-9-95 (this OA was filed on 23-9-96).

7. The OA is ordered accordingly at the admission stage itself. No costs.


(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 04th Oct. 1996.
(Dictated in the Open Court)

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D.R (J)

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O.A.NO.1200/96

Copy to:

1. The Senior Divisional Personnel Officer,
South Central Railway,
Vijayawada Division,
Vijayawada, Krishna District.
2. Divisional Railway Manager,
South Central Railway,
Vijayawada Division,
Vijayawada, Krishna District.
3. The General Manager,
South Central Railway,
Railnilayam,
Secunderabad.
4. One copy to Mr.M.C.Jacob, Advocate,
CAT,Hyderabad.
5. One copy to Mr.J.R.Gopal Rao, Addl.CGSC,
CAT,Hyderabad.
6. One copy to Library,CAT,Hyderabad.
7. One duplicate copy.

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THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

DATED: 4.10.96

ORDER/JUDGEMENT
R.A./C.P./M.A.NO.

in

O.A.NO. 1200/96

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED
DISPOSED OF WITH DIRECTIONS
DISMISSED
DISMISSED AS WITHDRAWN
ORDERED/REJECTED
NO ORDER AS TO COSTS.

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23/10/96
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केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण/DESPATCH
23 OCT 1996
हयदराबाद बेंच
HYDERABAD BENCH