

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

OA 74/97
C.A. SR 3654/96

F.A. N

DATE OF DECISION 20.1.97

M.Komariah Augiah & others.

(PETITIONER (S)

MR. N.Raghavan

ADVOCATE FOR THE PETITIONER(S)

VERSUS

Divisional Railway Magistrate
SC Railway, Secunderabad another

RESPONDENT (S)

Mr. K.Siva Reddy, Stabunsel

ADVOCATE FOR THE RESPON-
DENT (S).

THE HON'BLE MR. JUSTICE UDHARI, VICE CHAIRMAN

THE HON'BLE

1. Whether Reporters may be allowed to see the Judgement ?
2. To be referred to other or not ?
3. Whether their Lord to use the fair copy of the judgement ?
4. Whether the Judgement be circulated to the other Benches ?

Judgement delivered

M.G. Chaudhari
Mr. Justice M.G.Chaudhari, VC

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA 74/97
O.A.SR No.3654/96

Date: 20.1.1997

(35)

Between

1. M. Komariah Augiah
2. B. Augiah Ramaiah
3. Pochaiah Buran
4. Badru Lachiah
5. Yakub Lakshmaiah
6. Gattaiah Lingiah
7. Samba Rao
8. Deviah Komariah
9. B.Uppalaiah
10. Ellaiah Ellaiah

... Applicants

And

1. Divisional Railway Manager,
South Central Railway/BG/SC
Secunderabad.
2. General Manager,
South Central Railway,
Secunderabad.

... Respondents

Mr. N. Raghavan ... Counsel for applicants

Mr. K. Siva Reddy ... Counsel for respondents

CORAM

HON'BLE MR. JUSTICE M.G. CHAUDHARI, VICE CHAIRMAN

O R D E R

This is an application filed by 10 Khalasis working under the Wagon & Carriage Supervisor, SC Railway, Hyderabad. All the applicants were confirmed as Skid Porters working at Kazipet Station in the scale of Rs. 775-1025. They were screened and empanelled for the post of Khalasis in the scale of Rs 750-940 (RSRP) and were posted at Hyderabad under the Carriage and Wagon Supervisor. However, they have been absorbed in the

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(6)

scale of Rs. 750-940 which is lower than the scale in which they were working as Skid Porters. It appears that the posts of Skid Porters were abolished and that is how the applicants came to be absorbedas Khalasis.

2. The grievance of the applicants is that since they were drawing pay in a higher scale of pay as Skid Porters they were entitled to the protection of their pay in the lower scale of Khalasi so as to bring it on par with the pay they were drawing in the earlier scale. The applicants submitted individual representations on 8.1.96 seeking restoration of pay to Rs. 940 plus Rs. 85 (P.P.). However, as no action has been taken by the respondents on that representation and the anomaly has not been rectified they have filed the instant O.A. seeking a direction to the respondents to fix their pay appropriately.

3. The applicants have annexed to the O.A. copies of representations submitted to the General Manager, SC Railway, Secunderabad dated 8.1.96 through proper channel. It would however appear that the Divisional Railway Manager (Personnel) would be the proper authority to whom the representation ought to have been filed in the first instance. The learned counsel for the applicants now produces copies of the very same representations which were also submitted to the Senior D.P.O /BG/SC on 8.1.96 and which apparently bear an endorsement made by the Junior Engineer, C&W-I, Hyderabad, reading that 'forwarded to the higher authority for consideration'. What is produced are the office copies ^{with} of the above endorsement. It would therefore appear that either the representations as they were addressed to the General Manager were not dealt with by the DRM or have been mis-placed. The grievance made by the applicants merits proper scrutiny and consideration as it is relating to alleged anomaly in pay. In the interest of justice



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it is necessary that the grievance of the applicants is looked into properly by the DRM or such other authority to whom the DRM may feel it necessary to forward the matter on the basis of the representations that were filed on 8.1.96 by the applicants. In order to enable the DRM to proceed with the representations the applicants' learned counsel agrees to submit copies of the office copies produced today by the applicants dated 8.1.96 to the DRM (Personnel)/BG/Secunderabad.

4. Mr. K. Siva Reddy, learned Standing Counsel appeared for the respondents and is heard.

5. In the result, the following order is passed finally disposing of the O.A:

ORDER

- (i) The applicants shall submit copies of their representations dated 8.1.96 to the DRM(P)/BG/Secunderabad within a period of one month.
- (ii) On such copies being received and if the original representations are also available in the file, then these shall be examined in accordance with the relevant rules and appropriate decision taken which shall be communicated to each applicant separately within a period of 3 months from the date of receipt of the copies of the representation.
- (iii) The applicants will be at liberty to adopt such legal proceedings as may be advised if aggrieved with the decision taken on their representation. However, it is directed that in that event, each individual applicant shall file separate O.A. and the applicants shall not join (in) one single application.
- (iv) The office may forward a copy of the OA together with the enclosures, along with this order, to Respondent-1.

6. The O.A. is accordingly disposed of in terms of the aforesaid order.

M.G. Chaudhari
M.G. Chaudhari (J)
Vice Chairman

20th January, 1997

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Amber
Deputy Registrar (J)ce

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TYPED BY

CHECHED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE M.G.CHAUDHARI
VICE-CHAIRMAN

AND

THE HON'BLE MR.H.RAJENDRA PRASAD
MEMBER(ADMN)

Dated: 20- (-1997)

~~ORDER~~ JUDGMENT

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

in

O.A.No.

74/97

T.C.No.

(W.P.)

Admitted and Interim Directions
Issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

p.v.m.

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal
प्रेषण/DESPATCH

31 JAN 1997

हृदयवाल यायपीठ
HYDERABAD BENCH