

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.310/01176/2018 & MA No.575/2018

Dated Wednesday, the 10th day of October, Two Thousand Eighteen

PRESENT

**HON'BLE MRS.JASMINE AHMED, MEMBER(J)
&
HON'BLE SHRI T.JACOB, MEMBER(A)**

M.Dayalan,
Retd. Sr.Section Engineer,
Drg. & Design Electrical,
Railway Electrification,
Chennai 600 008,
Southern Railway. ... Applicant

By Advocate M/s Ratio Legis

Vs.

1.The Union of India rep., by
The General Manager,
Southern Railway, Park Town,
Chennai 600 003.

2.The Chief Personnel Officer,
Southern Railway, Park Town,
Chennai 600 003.

3.The Sr. Personnel officer,
Railway Electrification,
Egmore, Chennai 600 008. ... Respondents

ORDER

(Pronounced by Hon'ble Mrs. JASMINE AHMED, Judicial Member)

MA 575/2018 is filed for condonation of delay of 761 days in filing the OA. Since the applicant has already retired and the matter is pertaining to pay fixation, accepting the reasons stated in the affidavit filed in support of the MA, MA 575/2018 is allowed.

2. The applicant has filed this OA under Section 19 of the Administrative Tribunal's Act, 1985 seeking the following relief:

“(i)To call for the records related to the adhoc promotions and substantive promotions and the pay fixation order issued by the respondents and quash the same and restore the pay as if the applicant continued on regular promotions from the date of adhoc promotions and
(ii)To pass such further or other orders as this Hon'ble Tribunal may deem fit and thus to render justice.”

3. Heard Mr.L.Chandran, learned counsel for the applicant. It is the contention of the learned counsel for the applicant that the applicant has preferred a representation dated 14.01.2015 requesting the respondents for rectifying the loss occurred to him due to adhoc promotion in the subsequent years. He states that no reply or communication was given by the respondents in that regard. He again preferred representations dated 06.11.2015 & 07.11.2016 but all went in vain and no reply was ever received by the applicant. In between, he retired from service on 31.05.2018. Learned counsel for the applicant states that the applicant will suffer a huge loss due to non fixation of his pay properly.

4. We feel that as the scenario has changed due to his retirement, the applicant may give a comprehensive representation to the respondents within two weeks from today and after receiving the fresh representation, the respondents shall take a decision and pass a reasoned and speaking order within two months from the date of receipt of a certified copy of this order along with the fresh representation.

5. The OA is disposed of as above at the admission stage. It is made clear that nothing has been commented on the merits of the case.

(T.JACOB)
MEMBER (A)

(JASMINE AHMED)
MEMBER (J)

10.10 .2018

M.T.