

From,

Sunny Joseph  
JE I /C&W/IPN  
SSE/C&W/O/IPN

04-06-2008  
Irimpanam

**“ THROUGH PROPER CHANNEL ”**

To,

The Divisional Personnel Officer  
Southern Railway  
Trivandrum Division

Respected sir,

**Sub: Pay protection on Inter divisional request transfer**

Ref: 1. My request for pay protection on 28-6-2001

2. RBE No. 19/1995 circulated vide railway board letter No. F(E)II/91/Misc./2 dated 24/02/1995

3. Your office letter No.V/P.524/IV/Fixation/Vol.IV dt.29.12.2000

4. Orders of Honorable Central Administrative Tribunal, Ernakulam Bench allowing OA NO. 637/2006 dated 30-10-2007

5. Orders of Honorable High Court of Madras dismissing writ petitions submitted by southern railway :- W.P. No.16172 of 1998 and W.P.Nos, 2317, 3333, 3334, 9869 to 9873, 11791, 17485 of 1999, 16041 of 2000 and 4027, 4028, 5334, 10076 of 2004 and WPMP.Nos.24448 of 1998, 3300, 4747, 4748, 25414, 14049, 14051, 14053, 14046, 14048, 16719 of 1999, 23269 of 2000, 4765, 5766 and 6181 of 2004.

I joined Southern Railway as APP.Txr in grade 1400-2300 on 5.1.1990 in Mysore division. After completing the prescribed training, I was posted as TXR (presently JE-2/C&W) on 1.7.1991. Later I applied for inter divisional transfer to TVC division.

I got transfer order to TVC division in 2000 February while I was working as HTXR (JE-1/C&W) in scale 5500-9000 and at that time my basic pay was Rs.6200. I was transferred to TVC division after reverting me to the direct recruitment grade of 5000-8000 as per relevant rules in force.

I joined TVC division on 11.2.2000 and at that time my basic pay was Rs.6200. Later, as per your office letter No.V/P.524/IV/Fixation/Vol.IV dt.29.12.2000, my pay was re-fixed as Rs.5900 from 11.2.2000 and 6050 from 1.1.2001. I appealed against this reduction of pay and requested for pay protection on 28.6.2001 (copy enclosed) as per Railway Board Letter No.F(E)11/91/misc.2 dt.29.2.95. But my request was turned down by your office stating that I have not completed 2 year service in 5500-9000 grade before carrying out request transfer.

In this connection, I would like to invite your kind attention to the following points for your kind consideration:

1. Honorable Central Administrative Tribunal, Ernakulam Bench vide their orders dated 30-10-2007 allowing OA No. 637/2006 has allowed a similar case of pay protection to a group of employees belonging to PGT Division of Southern Railway. (Copy of the order is enclosed for kind reference).

2. The decision taken by the Honorable Central Administrative Tribunal is based on the judgment delivered by Honorable High Court of Madras on 08/07/2005 dismissing a set of writ petitions submitted by Southern Railway as shown under reference 5.

3. The judgment delivered by Honorable High Court of Madras on 08/07/2005 categorically rejects the argument of railway administration that, 24 months continuous service is required for confirming an employee in a promotional grade and dismissed all writ petitions submitted by railway administration regarding pay & grade protection for employees went on transfer on inter division /inter railway basis. (A copy the above referred judgment is enclosed herewith for kind reference)

In all the above cases, the argument of railway administration that pay protection and grade protection cannot be extended to an employee who is transferred on his own request, on inter railway / inter divisional basis, and who is not confirmed in a promotional grade (after 24 months continuous service after promotion) is summarily rejected by the judicial forums. Hence denying me pay protection and reducing my pay from the day of joining in

TVC division is illegal and denial of natural justice to me. In the light of the above judicial decisions, I request you to cancel the order reducing my pay from Rs.6200 to 5900 circulated vide your office letter No.V/P.524/IV/Fixation/Vol.IV dt.29.12.2000 and I request you to please re-consider my application for pay protection and issue necessary orders protecting my pay from the day of joining me in TVC division.

Encl: As above

Thanking you

Yours truly

**(SUNNY JOSEPH)**