

(Order: Pronounced by Hon'ble Mr.P.Madhavan, Member(J))

MA 805/2019 filed by the applicant for condonation of delay of 35 days in re-presenting the OA is allowed.

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

"(I) Pass an order or direction to the respondent railways to declare that the applicants are entitled to the minimum pay of Rs.13,860/- basic pay + 4600/- grade pay, making the basic pay of Rs.18,460/- as per the VI CPC recommendations and fixation table with bunching benefits as applicable with effect from 01.01.2006 in line with Order in OA No.98 of 2014 dated 27.03.2015 passed by the Hon'ble Central Administrative Tribunal, Principal Bench, Delhi upheld by Hon'ble High Court, Delhi and Hon'ble Supreme Court of India.

(ii) Direct the respondents to grant the applicant the arrears of pay from 01.01.2006 as applicable with interest.

(iii) Pass an order or direction to the respondent railways to refix the applicant's pay more than that of her juniors as per RBE No.158 of 2018 giving weightage to the seniority in service.

(iv) Pass an order or direction to the respondent railways to grant MACP benefits to the applicant as like that of her junior Ponmani who was granted with MACP benefits within 4 years of her transfer.

(v) Any such further or other order in the above said facts and circumstances of the case and thus render justice."

3. The applicant was appointed as a Trainee Nurse in North Frontier Railway, Guwahati, Assam on 03.05.1990 and got regularized on 30.05.1994 as Staff Nurse in Kathihar, Bihar in the pay scale of Rs.1400-2600. She was promoted as Nursing Sister on 19.08.1998 in the pay scale of Rs.5500-9000. Thereafter, she got inter railway own request transfer to Southern Railway, Chennai on 10.01.2001 reversing her grade as Staff Nurse in the pay scale of Rs.5000-8000 in the bottom seniority. The main grievance of the applicant is that though the VI CPC recommended to convert the pay scale of Staff Nurse from Rs.5000-8000 to Rs.7450-11500 before implementing the VI CPC pay scale of Rs.9300-34800 + GP 4600, the respondent railways

had wrongly calculated by multiplying the 1.86th factor from her last drawn pay as on 01.01.2006 in the earlier pay scale of Rs.5000-8000 directly without converting the pay scale to Rs.7450-11500 and so the applicant had a shortfall of Rs.1770/- per month without any bunching benefits. Thereafter she was promoted as Nursing Sister on 15.12.2011 but the anomaly continued and she was receiving much lesser pay than her juniors. Her other grievance is that though her junior one Ponmani who came to Chennai on Inter railway own request transfer was given MACP within four years of her date of transfer, the applicant has been denied the same. Aggrieved, she has filed this OA.

4. When the matter came up for admission, learned counsel for the applicant would submit that as per the order of the CAT Principal Bench in OA 98/2014 dated 27.03.2015 which was upheld both by the Hon'ble High Court as well as the Supreme Court, the applicant is entitled for the relief. *She will be satisfied if her representation dated 11.03.2019 as Annexure A-16 filed before the competent authority regarding her grievance is considered in the light of the order of the CAT Principal Bench in OA 98/2014 dated 27.03.2015 and orders are passed, within a stipulated time limit.*

5. Mr.P.Srinivasan Senior standing counsel for Railways, takes notice on behalf of the respondents and submits that the respondents have no objection for disposal of the representation of the applicant on merits.

6. In view of the limited relief sought and without going into the merits of the case, the OA is disposed of in the following lines:

"The competent authority is directed to consider the representation of the applicant dated 11.03.2019 as Annexure A-16 in the light of the order of the CAT Principal Bench in OA 98/2014 dated 27.03.2015 and on the basis of the relevant

**rules and regulations and pass a reasoned and speaking order,
within a period of four months from the date of receipt of such
representation.”**

**(T.JACOB)
MEMBER (A)**

24.01.2020

M.T.

**(P.MADHAVAN)
MEMBER (J)**