

Central Administrative Tribunal
Principal Bench
New Delhi, this 26th-day of April, 2002
OA No. 413/2001

Hon'ble Sh. Shanker Raju, Member (J)
Hon'ble Sh. S.K. Agrawal, Member (A)

1. Shri Dharam Prakash
S/o Shri Nathi Ram
Retd. Shed Man
Northern Railway
Lakser
2. Sh. Sham Singh
S/o Shri Amar Nath
Retd. Shed Man
Northern Railway
Laker
3. Sh. Ram Rattan
S/o Shri Jag Ram
Shed Man,
Northern Railway
Najibabad.
4. Shri Lalla Ram
S/o Shri Bhajan Lal
Shed Man
Northern Railway
Laker.

... Applicants

(By Shri B.S. Mainee, Advocate)

versus

Union of India: Through

1. The Secretary
Ministry of Railways
Rail Bhavan
New Delhi.
2. The General Manager
Northern Railway
Baroda House
New Delhi.
3. The Divisional Railway Manager
Northern Railway
Moradabad.

... Respondents

(By Shri R.L. Dhawan, Advocate)

By Hon'ble Shri S.K. Agrawal, Member (A)

ORDER

There are four applicants in this OA who are agrieved by the impugned orders passed by the respondents in terms of which the representation of the applicants for their placement in appropriate pay scale has been rejected and the applicants have approached this Tribunal in the 3rd round seeking for the same relief. The main grievance of the applicant is that

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although they are working in supervisory duties as shedmen but still they are placed in the lower grade of Rs. 4000-6000/- while the other supervisory staff have been placed in the grade of Rs. 5000-8000/-

2. All the four applicants were initially appointed as fitter (Khalasi) and were subsequently promoted as fitter after having passed the trade test in the year 1974. They were further promoted as Fitter Gr. II in the year 1985. The respondents invited applications from the running and maintenance Railway Employees working in the grade of Rs. 1200-1800 (1200-2040) having two years service in this grade for filling up the post of shedmen in the grade of Rs. 1320-2040. All the applicants applied for the said post and were called for the suitability test as a result of which they were declared as qualified vide respondents No. 2 vide letter dated 1999.

3. After implementation of the 5th Pay Commission Report in terms of which applicants who were alleged to be performing supervisory duties but placed in the lower scale of pay scale of Rs. 4000-6000/- submitted representation to the Railway Board, General Manager, Northern Railway as well as to the Railway Minister protesting against the action taken by the respondents in placing the post of shedmen in the scale of Rs. 4000-6000/- while the other supervisory staff has been placed in the grade of Rs. 5000-8000/-

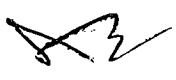
4. It has been submitted by the learned counsel for the applicants that the respondents have not considered the various grounds taken in their representation and passed a non speaking and non reasoned order. It was also argued by the applicants' counsel that the respondents also failed to consider that the category

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of shedmen is a supervisory category and as such all those categories which are supervisory in nature should have been placed in the grade of Rs. 1400-2300/- (5000-8000).

5. While deciding the earlier OA 573/2000 filed by the applicants, this tribunal vide its order dated 19.4.2000 had directed the respondents to consider the representation dated 5.10.1999 submitted by the applicants and dispose of the same by a reasoned and speaking order. In compliance of the same, the respondents namely the Divisional Railway Manager, Northern Railway, Moradabad vide his letter dated 4.12.2000 replied that the pay scales given to various categories of railway employees are based on the recommendations of the 5th Central Pay Commission as accepted by the Government. The Pay Commission examines in great detail all aspects which have a bearing on pay scale such as intra departmental and inter departmental relativities, qualifications prescribed for the post, avenues available, duties and responsibilities etc. before making their recommendations. It was also stated by the respondents in the reply that the 5th Pay Commission followed inter alia the principles of linking of pay scale of various categories of staff with the recruitment qualifications. In the case of senior clerk (UDCs) in the Ministerial cadre since there is a direct recruitment of graduates to the extent of 33.1/3%, an improved higher scale of Rs. 4500-7000 corresponding to the pre revised scale of Rs. 1400-2300/- was recommended for this category on the basis of the principle followed by the 5th Central Pay Commission that staff recruited with graduation qualification



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should be generally placed in the higher grade. Further in para 4 of their reply the respondents stated that since the category of shedmen does not have any element of direct recruitment, the Pay Commission did not make any specific recommendations for this category. The respondents also stated in their reply that so far as the duties and responsibilities of shedmen are concerned, these posts of shedmen are not supervisory posts and as such granting of pay scale to shedmen at par with that granted to the other supervisory staff does not arise.

6. It was further submitted by the learned counsel for the respondents that the post of shedmen is for medical decategorising category. If such staff is not available to fill up the vacancy of shedmen, applications are called for from willing staff for posting them as shedmen for a period of 2-3 years or till the time medical decategorised staff is available. It was further submitted by the respondents counsel that the post of shedmen are not supervisory post considering the duties and responsibilities attached to the said post. It was further submitted that UDCs who have been placed in the higher Grade by the Central Pay Commission did not work under the control of shedmen as wrongly contended by the applicants in this OA. The respondents counsel also submitted that in implementation of the judgement passed by this Tribunal, the claim of the applicants has been examined in great detail by the Railway Board and only thereafter a detailed reasoned reply has been issued which has been duly communicated to the applicants vide letter dated 4.12.2000.

7. In this regard, learned counsel for the

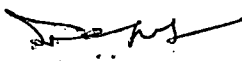



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respondents referred to certain decisions passed by the Apex Court in the case of State of UP vs. J.P.Chaurasia. 1989 (1) SCC 121, Union of India vs. P.V.Hariharan, 1997 (3) SCC 1568, Union of India vs. M.C.Roy JT 1997 (5) SC 144 wherein it was held by the Apex Court that fixation of the pay scales is the job of the Expert Bodies such as Central Pay Commission etc. appointed by the Government and also that no interference should be made by this Court or any other Court in this regard.

8. Heard the counsel on either side.

9. After going through all the facts and material on the file as well as after considering the arguments put forth by the learned counsel on either side, we are of the view that as per the directions of this court in its order dated 19.4.2000 the matter was examined in detail by the Railway Board and the decision was duly communicated to the applicants vide Divisional Railway Manager, Moradabad letter dated 4.12.2000 by a reasoned and speaking order. Moreover as held by the Apex Court in its various decisions the matter regarding fixation of the pay scales etc. is the work of the Expert Body like Central Pay Commission which did not however consider favourable the claim of the shedmen that their posts are supervisory and as such their pay scales should be equated with those of the other supervisory staff. We, therefore, do not consider it necessary or advisable to interfere with the recommendations of the Central Pay Commission in this regard. Accordingly we do not find any merit in this OA. The OA is accordingly dismissed with no order as to cost.


(S.K. Agrawal)
Member (A)


(Shanker Raju)
Member (J)

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