

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No. 1792/1997

New Delhi, this the 23rd day of September, 1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)
Hon'ble Shri K. Muthukumar, Member (A)

Ms. Anita Agarwal,
D/o Shri K.R. Agarwal,
Console Superintendent,
PRS Office, Central Reservation Office,
IRCA Building, State Entry Road,
New Delhi

Petitioner

(By Advocate: Shri S.K. Sinha)

-Versus-

1. Union of India through
The General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. Chief Commercial Manager (CR),
Passenger Reservation System,
Central Reservation Office,
ICRA Building, State Entry Road,
New Delhi.

Respondents

(By Advocate: Shri Rajeev Sharma)

ORDER (Oral)

Hon'ble Dr. Jose P. Verghese, Vice Chairman (J)

The petitioner in this case had earlier approached this court by way of an OA No. 487/96 which was finally decided on 3.6.1997 wherein this court had directed the respondents to pass appropriate orders and compensate the work they had taken as Console Superintendent for a period of 4 1/2 years. Respondents have now shown to us an order passed on 15.9.1997 stating that in view of the orders of this court in the said OA, Rs. 4,200/- is being paid by way of compensation. The direction of this was that the respondents shall pass an order and the said order shall be speaking and reasoned order and on perusal we find no such

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order has been passed rather Rs. 4200/- have been paid which does not commensurate with the calculation they have made, and what they ought to have done.

As per the said order dated 15.9.1997, in accordance with the liberty granted by this court in the previous OA the respondents had calculated the compensation which is stated to be equivalent to that of the difference of pay which she was actually getting and to which she was entitled. Even though the said pay scale was not granted formally, rather the respondents have decided to grant the difference of pay by way of compensation; so far we find it is in compliance with the said order.

The payment of Rs. 4,200/- as per their own order, we find is not as per the decision taken by themselves. The payment should have been calculated on the basis that the petitioner was granted pay initially in accordance with the scale of Rs. 1400-2300/- in the year 1992, and thereafter Rs. 1600-2660/- in the year 1994 ; the difference of pay drawn should have been calculated with reference to these two scales vis-a-vis the scale of Rs. 2375-3500/-. However, humble the estimate be the payment cannot be as low as Rs. 4200/-.

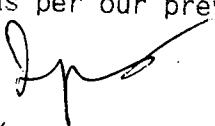
Respondents on the other hand without complying with the orders passed by this court, even after a decision is taken to pay in accordance with the said order, proceeded to revert the petitioner to her parent cadre., The petitioner is agitated about the non-compliance of the previous order and at the same time resorting to reversion to her parent cadre.

Counsel for the petitioner says that she has no objection to be reverted to her parent cadre provided the amount due to her in accordance with previous order, settled full and final. We find considerable substance in the submission made on behalf of the petitioner. Respondents should not have passed an order of reversion without complying with the orders passed by this court in OA 487/96.

In view of these circumstances, we pass the following directions:-

Order of reversion passed by the respondents on 14.7.1997 shall be kept in abeyance, till the full and final payment, as per our orders dated 3.6.1997 has been made in the light of their own decision to pay equivalent amount of difference of pay by way of compensation. The calculation for payment of compensation as already decided by them shall be done in the light of what is stated above. Thereafter the petitioner shall be intimated about the order passed and reasonable time shall be given for the petitioner to make representation if in case the said order is still not in full and final settlement of all the dues; therearter respondents are at liberty to take appropriate action and pass appropriate orders in accordance with law.

This OA is disposed of in these terms with a cost of Rs. 1000/- which may be recovered from the persons who are responsible for calculating or miscalculating the dues as Rs. 4200/- evenafter a decision is taken to pay by way of compensation i.e. equivalent amount of difference of pay. The cost is being awarded also for the reason that the respondent have not passed a speaking and reasoned order as per our previous order.


(K. Muthukumar)
Member (A)


(Dr. Jose P. Verghese)
Vice Chairman (J)

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