

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA NO. 2022/97

New Delhi: this the 2nd day of JUNE, 2000.

HON'BLE MR.S.R.ADIGE, VICE CHAIRMAN(A).

HON'BLE MR.KULDIP SINGH MEMBER(J)

Mrs. Indu Chopra,
W/o Maj. Gen. S.P. Chopra,
12, Officers Railway Colony,
Sardar Patel Marg,
New Delhi

... Applicants.

(By Advocate: Shri K.R.Sachdeva)

Versus

Union of India
through
Secretary,
Ministry of Railways
(Railway Board),
Rail Bhawan,
New Delhi.

2. Member Staff,
Ministry of Railways,
Railway Board,
New Delhi.

... Respondents.

(By Advocate: Shri VSR Krishna)

ORDER

HON. MR.S.R.ADIGE, VC(A)

Applicant's counsel has pressed Relief 8(a) and 8(b).

2. In so far as relief 8(a) is concerned, i.e. withdrawal of the gold pass issued to applicant, Schedule 1 to Railway Servants Pass Rules, 1986 entitles Chairman and Members of Railway Board including Financial Commissioner for Railways and officers who are in equivalent grade and status, Chief Commissioner for Railway Safety and General Managers of Railways, Production Units and other establishments etc. who are in the scale of Rs. 7300-8000 and Adviser in Railway Board

Office working in the scale of Rs.7300-7600 to be entitled to Gold Pass.

3. By DP & T's order dated 23.8.95 (copy on record) the CC's direction was conveyed to upgrade the post of FA & CAO, Northern Railway held by applicant to the Financial Commissioner's grade as personal to her. Based on the aforesaid order, Railway Ministry issued order dated 1.12.95 communicating sanction to the post of FC & CAO, Northern Railway (Grade Rs.7300-7600) presently held by applicant being upgraded to grade Rs.8000/- (Fixed) as personal to her from 23.8.95 to 30.9.97 or till this post is vacated by her before that for any reason whichever is earlier.

4. Applicant retired on superannuation on 30.9.97.

5. It is not denied that when applicant was FA & CAO, Northern Railway in scale of Rs.7300-7600 she did not make any claim for grant of Gold Pass to her as she was aware that she was not entitled to the same.

6. Regarding Relief 8(a) the question for adjudication is whether consequent to the post of FA & CAO, Northern Railway being upgraded to the grade of Rs.8000/- (fixed) as personal to applicant she became entitled to a Gold Pass.

7. We think not, because although her pay was upgraded from Rs.7300-7600 to Rs.8000/- (fixed) which is also the grade of the post of Financial Commissioner, she continued to remain FA & CAO, Northern Railway, and there was no change in her status. Grade need not always coincide with status. There are various posts in Govt. of India which were in the pre-revised scale of Rs.8000 (fixed) p.m. now revised to Rs.12600/- (fixed) p.m. which is also the grade

29
argue
for High Court Judges but no one would seriously ~~argue~~ that the status of the holders of those posts is equivalent to that of High Court Judges.

8. Hence as regards relief 8(a) the impugned orders dated 28.2.97 and follow up letter withdrawing the Gold Pass from applicant warrant no interference. However, as by interim order dated 25.9.97 respondents were restrained from withdrawing the Gold Pass till applicant's date of retirement on 30.9.97 which at that point of time was only a few days away, we do not interfere with the interim order.

9. As regards relief 8(b) i.e. extension of the privilege of travelling AC 1st Class without payment of any difference in fare on Privilege Pass and post retirement complementary Pass introduced vide Railway Ministry's dated 25.3.96 (Annexure-IV), a plain reading of the aforesaid letter makes it clear that it is confined to ~~Retired~~ ^{Serving} Chairman/Members of the Railway Board and retired Chairman/ Members of the Railway Board. Applicant did not retire as Chairman/ Member of the Railway Board and merely because her pay was upgraded to that of Rs.8000/- (fixed) as personal to her from 23.8.95 to 30.9.97 does not entitle her to the aforesaid benefit.

10. Subject to what has been stated in para 8 above, the OA is dismissed. No costs.

Kuldeep
(KULDIP SINGH)
MEMBER (J)

S.R. Adige
(S.R. ADIGE)
VICE CHAIRMAN (A)

/ug/