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Central Administrative Tribunal
Principal Bench

O.A. No. 692 of 2000
M.A. No. 1255 of 2000
M.A. No. 1655 of 2000

New Delhi, dated this the 13th February, 2002

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

1. Shri Nawal Kishore,
S/o Shri Nand Kishore,
Head Typist,
DRM's Office/Northern Railway,
Moradabad.
2. Shri Hari Shanker
3. Mathura Prasad
4. Amit Chand
5. Kum. Pudum Rai
6. Ashrafi Lal
7. S.C. Gupta
8. Smt. Madhu Bala
9. Anil Kumar Saxena
10. Kamta Prasad Verma
11. Veer Pal Singh
12. Siraj Rehmat Khan
13. P.K. Bhadury
14. Rais Ahmad
15. Smt. Poonam Thakur
16. Avnish Kumar Gupta .. Applicants

(By Advocate: Shri G.D. Bhandari)

Versus

Union of India through

1. The General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway,
Moradabad.

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3. The Sr. Divisional Accounts Officer,
Northern Railway,
DRM's Office, Northern Railway,
Moradabad. .. Respondents

(By Advocate: Shri B.S. Jain)

ORDER (Oral)

S.R. ADIGE, VC (A)

Applicants who belong to typists cadre/impugn Respondents' Annexure A-1 order, whereby Respondent No.2 has directed the Senior D.A.O, Northern Railway, Moradabad to refix the pay of the typists.

2. We have heard applicants' counsel Shri Bhandari and Respondents' counsel Shri Jain.

3. Materials on record, and in particular Respondents' own reply, reveals that till the receipt of the recommendations of the 5th Pay Commission the scales of pay of Typists, Sr. Typists, Head Typists, OS-II Typist and OS-I Typists in respondents' organisation were identical with the pay scales given to Office Clerk, Head Clerk, Chief Clerk, Chief Clerk/OS Gr. II and Office Superintendent. Even as per the recommendations of the 5th Pay Commission the revised scales were the same.

4. Railway Board by order dated 16.7.97 further revised the pay scales of three categories of clerks namely Senior Clerks, Head Clerks and OS Grade II. Applicants who belong to typists cadre claim that they are entitled to the same benefits of order

dated 16.7.97, as the two cadres of clerks and typists have been merged into a single cadre. Reliance in this connection has been made on Railway Board's circular dated 17.7.1992. Indeed we find that the benefits granted to the Sr. Clerks, Head Clerks and OS II as per Railway Board's circular dated 16.10.97, was also extended to corresponding categories of typists and applicants now contend that Respondents by impugned Annexure A-1 order are now illegally and arbitrarily withdrawing the benefits of order dated 16.7.97 from them on the ground that the two cadres are separate and therefore, the typists are not entitled to those benefits.

5. Respondents do not deny that the benefit of pay scale revision granted in the case of clerks vide Railway Board's circular dated 16.10.1997 was also extended to those in typists cadre, but contend that the same was done in error, and when this error came to the notice of Respondent No.2, impugned Annexure A-1 orders have been issued, withdrawing those benefits.

6. We note that applicants had submitted a representation to Respondents on 17.4.2000 (Annexure A-2) followed by another representation dated 10.4.2000 (Annexure A-2), neither of which have been responded to by Respondents.

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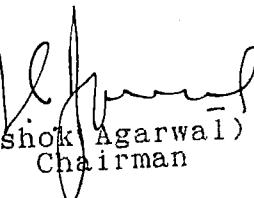
7. During the course of hearing applicant's counsel Shri Bhandari has invited our attention to Railway Board's circular dated 30.1.2001 on the subject of allotment of revised pay scales to certain categories of staff, a copy of which is taken on record. On its perusal it would appear that the two pay scales of typists i.e. 4500-7000 and Rs.5000-8000 have been revised to Rs.5000-8000 and Rs.5500-9000 respectively from the date of its issue of the order.

8. As from the aforesaid circular dated 30.1.2001, it is not very clear as to which specific grade of typists the aforesaid instructions relate to, we consider it fit and proper to dispose of this O.A. at this stage with a direction to Respondents to treat the present O.A. as a representation filed by applicants and dispose of the same by a detailed, speaking and reasonable order, in accordance with rules and instructions, under intimation to applicant within three months from the date of receipt of a copy of this order.

9. Till Respondents pass appropriate orders pursuant to these instructions the interim orders passed on 24.4.2000 directing Respondents not to act upon the impugned Annexure A-1 orders shall continue.

10. The O.A. stands disposed of accordingly. No costs.


(S.R. Adige)
Vice Chairman (A)
/GK/


(Ashok Agarwal)
Chairman