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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, DELHI.

Regn. No. O.A. 17/1989. DATE OF DECISION: 31-7-1991.

A.N. Srivastava & Others ... Applicants.

V/s.

Union of India & Others ... Respondents.

CORAM: Hon'ble Mr. Justice U.C. Srivastava, Vice Chairman(J).
Hon'ble Mr. I.P. Gupta, Member (A).

Shri G.D. Bhandari, counsel for the Applicants.
Shri O.P. Kshatriya, counsel for the Respondents.

(Judgment of the Bench delivered by
Hon'ble Mr. I.P. Gupta, Member (A).)

JUDGMENT

The applicants have challenged letter No. PC-IV/86/Imp/46, dated 30.10.87 issued by the Ministry of Railways, Railway Board, whereby the decision of the President regarding classification of posts under the Indian Railways into Group 'A', 'B', 'C' and 'D' has been circulated to the General Managers of all Indian Railways. This stipulates that posts in the scale of Rs.2375-3500 (applicable to Accounts Officers/only) and other posts of officers in the scale of Rs.2000-3500 (all Departments) will be classified as Group 'B' Gazetted. The post of Chief Controller carrying the pay scale of Rs.2375-3500 is still treated as Group 'C' post and has not been included in Group 'B' posts whereas other posts of officers, including that of Stenographer in Non-Secretariat Organisation of the Government of India, have been classified as Group 'B'. The applicants have sought the relief for inclusion of the post of Chief Controller in the scale of Rs.2375-3500 in Group 'B' Gazetted with retrospective effect from 30.6.87. They have also requested that the respondents be directed to give the ancillary benefits of promotion, pay protection etc. to the category of Chief Controllers.

2. In the counter filed on behalf of the respondents, it has been mentioned that there are many other posts in different Departments of Railways in the revised scale of

Rs.2375 - 3500, such as Chief Power Controller, Loco Foreman and Inspector etc., who have not been included in Group 'B', but have been placed in Group 'C' and, as such, the question of discrimination with the category of Chief Controllers does not arise. The respondents also cited the case of Indian Railways SAS Staff Association Vs. Union of India before CAT, Principal Bench, New Delhi (O.A. No.13/88 dated 26.4.91) wherein it was held that the contention that denial of Class II status to Railway Accounts staff in Rs.2000 - 3200 was not discriminatory and there was no case for judicial interference.

3. While there may be some weight in the contention of the respondents that there is no specific discrimination with the category of Chief Controllers since several other groups of employees in the scale of Rs.2375-3500 are also in Group 'C', the fact remains that posts such as those of Stenographer in the scale of Rs.2000-3500 have been classified as Group 'B' while the category of Chief Controller in the scale of Rs.2375-3500, which is a higher scale, continues to be in Group 'C'. The case cited above relates to employees in scale of Rs.2000 - 3200 and would not seem to rule out the consideration of the case of the applicants.

4. In view of above, we direct the respondents to reconsider the question of classification so as to do away with the anomaly of the type indicated above. The reconsideration of the matter should be done by the appropriate authority within a period four months. With this observation, the application is disposed of finally. There shall be no order as to costs.

I.P. Gupta

(I.P. GUPTA)
Member(A)

U.C. Srivastava

(U.C. SRIVASTAVA)
Vice Chairman(J)

31.7.1991.