

(19)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA No. 264 of 1989

New Delhi, this the 1st day of June, 1994.

Hon'ble Mr Justice S.K.Dhaon, Vice Chairman.

Hon'ble Mr B.N.Dhoundiyal, Member(A).

1. Shri Roshan Lal
Sub Overseer
Northern Railway
Office of the Dy. Chief
Engineer(Const.) Ambala.
2. Amarjeet Singh, Sub Overseer,
Dy. CE(C) under Ambala Cantt.
3. Man Chand, Sub Overseer,
Dy. CE(C) under Ambala Cantt.
4. Dharamvirr, Sub Overseer
Dy. CE(C) under Ambala Cantt.
5. Arvinder Singh, S/O Sh. Santok
Singh, Sub Overseer under AEN/C)
Panipat.
6. Ravi Lal Sub Overseer under
c/o Dy. CE(I) Chandigarh.
7. Tilak Ran, S/O Sh. Bhamu Nand
under SEN/C Nangal Dam.
8. Rajinder Kumar S/O Sh. Sadhu Ram,
under SEN/C Nangal Dam.
9. Devinder Pal, under SEN/C
Nangal Dam.

..... Applicants.

(through Mr B.S. Mainee, Advocate).

vs.

1. Union of India, through:
The General Manager,
Northern Railway,
Baroda House, New Delhi.
2. The Chief Administrative Officer,
(Construction) Northern Railway,
Kashmere Gate, Delhi.

..... Respondents.

(none appeared)

Order
(delivered by Hon'ble Mr B.N.Dhoundiyal)

The applicants, in this O.A., are aggrieved

:-2-:

by the order dated 13.7.1988, passed by the Chief Engineer(Construction) Northern Railway, whereby their pay-scale has been reduced.

2. The applicants were appointed as Casual workers on daily wages in the pay scale of Rs. 330-560. They were given temporary status in the year 1984-85. After implementation of the 4th Pay Commission, they were placed in the revised rate of Rs. 330-560 w.e.f. 1.1.1986. In June, 1988, their scales were revised to Rs. 1320-2040 in terms of letter dated June, 1988. However, by the impugned letter dated 30.7.1988, they were again put in the scale of Rs. 950-1500. The contention of the applicant is that they had been appointed in the scale of Rs. 330-560, which is now equivalent to Rs. 1320-2040, they cannot be reduced to the lowest grade, in which they were never appointed. They have sought a direction to the respondents to fix them in the scale of Rs. 1320-2040, as has been done in case of three-year diploma holder.

3. In the counter filed by the respondents, the main averments are these. In terms of letter dated 13.7.88 only Diploma Holder Casual Overseer were granted pay scale of Rs. 1320-2040. The applicants were wrongly placed in the scale of Rs. 1320-2040 and had now rightly been placed in the scale of Rs. 950-1500/- . They were wrongly paid salary for the month of July, 1988 in the scale of Rs. 1320-2040. They cannot compare themselves with diploma holders. What they have done is two years draughtsmanship certificate course whereas the diploma course is of duration of three years in the field of overseers. There is a difference of duty also. Sub over-seers with three years diploma are working as Supervisors in the field whereas sub over-seers with two years draftsmanship certificate

br

and course are preparing drawings in the office.

4. Thus, it is clear that the scale of Rs. 330-560 was given to the applicants on their appointment and it was revised uniformly to the scale of Rs. 1200-2040 after the recommendation of the fourth pay commission report. Therefore reducing the applicant to a lower scale of Rs. 950-1500 was unwarranted.

5. We hold that though the respondents were within their rights to grant still higher scale of Rs. 1320-2040 to the diploma holders, they had no right to place them in a scale lower than Rs. 1200-2040. The application is, therefore, partly allowed and the respondents are directed to place the applicants in the scale of Rs. 1200-2040. The application is accordingly disposed of with the aforesaid directions. There will be no order as to costs.

/sds/

B.N. Dhaoniyal
(B.N.Dhaoniyal)
Member(A)

S.K. Dhaon
(S.K.Dhaon)
Vice Chairman.