

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/01761/2013

Dated the 02nd day of June Two Thousand Twenty

**CORAM : HON'BLE MR. P. MADHAVAN, Member (J)
HON'BLE MR. T. JACOB, Member (A)**

M.Rajukumar,
Sr. Section Engineer/I,
Central Workshop,
Golden Rock, Trichy.

....Applicant

By Advocate M/s. Ratio Legis

Vs

1.Union of India, rep by,
General Manager,
Southern Railway,
Park Town, Chennai 600003.

2.The Workshop Personnel Officer,
Central Workshop,
Golden Rock, Trichy.Respondents

By Advocate Mr. D. Hariprasad

ORDER**(Pronounced by Hon'ble Mr. P. Madhavan, Member(J))**

Heard. The applicant has filed this OA seeking the following relief :

"To call for the impugned order No. GPB (S) 524-VI-PCO/Ele/Drg dated 29.11.2013 made by the 2nd respondent and to quash the same and further to direct the respondents to do the necessary to refix applicant's basic pay in terms of Rule 1313 (FR 22) (1) (a) (1) R-II of the Indian Railways Establishment Code on his promotion as Junior Engineer with all the consequential benefits and to pass such other further order/orders as this Hon'ble Tribunal may deem fit and proper and thus to render justice."

2. The applicant's case is that the applicant who was working as Senior Technician having scale Rs. 5000-8000 was promoted after a selection process to the post of Junior Engineer with identical scale of pay Rs. 5000-8000. He was not given fixation of pay as per rule 1313 I (a) (i) of Establishment Code. He challenges the impugned order dt. 29.11.2013 produced as Annexure A6.

3. The respondents filed a reply stating that the applicant's promotion took place prior to 2005 ie. Railway Board letter No. E (NG) I/99/PM7/3 dt. 22.02.2005 and hence Master Craftsman prior to 2005 are not entitled to get refixation. According to them, the applicant was Planner Gr. I in the revised pay scale Rs. 4500-7000 (Vth CPC) and he was promoted as Master Craftsman (now Senior Technician/Planning) on the scale of Rs. 5000-8000 w.e.f. 13.06.2000. Subsequently, he was posted as Junior Engineer Gr. II planning on the same scale w.e.f. 13.09.2003. He was then promoted as Junior Engineer Gr. I on pay Rs. 6550/- in scale Rs. 5500-9000 w.e.f. 21.07.2008 & he was promoted as Senior Section Engineer in the pay band Rs. 9300-34800 with GP Rs. 4600/-

w.e.f. 23.03.2013. The scale of Master Craftsman was only personal to incumbent & the post of Master Craftsman did not form part of avenue chart for promotion in his hierarchy. The post of Master Craftsman was redesignated as Senior Technician and made part of the hierarchy as per RBE No. E (NG) I/99/PM7/3 dt. 22.02.2005. It has only prospective application & the applicant is not entitled to any fixation as claimed. The applicant got the benefit of one fixation when he was promoted as MCM ie., Rs. 4500-7000 to Rs. 5000-9000.

4. We had heard both sides & perused the pleadings. The Counsel for the applicant mainly rely on Rule 1313 (FR 22 (I) (a) (i) Rule II) of IREC which reads as follows :

“Where a Railway servant holding a post, other than a tenure post, in a substantive or temporary or officiating capacity is promoted or appointed in a substantive, temporary or officiating capacity as the case may be, subject to the fulfilment of the eligibility conditions as prescribed in the relevant Recruitment Rules, to another post carrying duties and responsibilities of greater importance than those attaching to the post held by him, his initial pay in the time scale of the higher post shall be fixed at the stage next above the notional pay arrived by by increasing his pay in respect of the lower post held by him regularly by an increment at the stage at which such pay has accrued or rupees twenty-five only, whichever is more.”

He also relies on the decision of this Tribunal in R. Pandian V. Union of India in OA 717/2006 dt. 02.06.2007 in support of his case.

5. But the Counsel for the respondents would contend that the case of applicant is different from the case of 'Pandian's case'. According to him, the scale of Master Craftsman Rs. 5000-9000 was purely personal while his pay as Technician Grade I was only Rs. 4500-7000. It is a special scale given personally to Master Craftsman (MCM) & it will go as & when he retires. The

post of MCM does not come under the feeder category of Junior Engineer Gr. II & hence not eligible for any fixation.

6. On an appreciation of facts & circumstances pleaded & produced as annexures, we find that the applicant has not stated the fact that he was posted as Master Craftsman & he was given scale of Senior Technician Rs. 5000-9000 and only in the year 2005, the Master Craftsman was made equal to Senior Technician. The RBE letter E (NG) I/86/PM 7/8 dt. 17.10.1990 makes clear that by opting and getting filled in the grade of Master Craftsman, the Technician Grade I (Skilled Grade I) will not get seniority vis-a-vis others. The RBE letter dt. 22.02.2005 clearly states that as per the scheme of introduction of the category of Master Craftsman (vide Ministry letter No : PC III/82/PS 3/10 dt. 14.02.1986) scale of pay attached to the post will be personal to the incumbent. As per letter dt. 22.02.2005 the post of MCM was re-designated as Sr. Technician. So it is clear that the applicant was actually a Technician Grade I & he opted to the scheme of Master Craftsman & got the scale Rs. 5000-9000. He was promoted as JE grade in the year 2003. So the RBE letter dt. 22.02.2005 is not applicable to his case. So, we find merit in the contention of the respondent that applicant is not entitled to get refixation. The facts of the case **R. Pandian V. Union of India** (referred supra) has not application. The facts of the case are not similar. In than case, applicant was actually working as Station Master Grade II and he was selected as Section Controller in the same scale of Rs. 5500-9000. In that case, the respondents denied the benefit of refixation holding

that as per instructions of Railway Board Rule 1313 FR 22 (I) (a) (i) R II applies only to certain specified categories. Here the applicant MCM does not come in the promotional hierarchy & he was granted a scale personal to him while he was holding the post of Technician Gr. I (Rs. 4500-7000). So, the facts are not similar & the decision in R. Pandian V. Union of India has no application to this case.

7. In the result, we find that the applicant in this case is not entitled to get the refixation claimed by him.

8. OA will stand dismissed. No costs.

(T.Jacob)
Member(A)

(P. Madhavan)
Member(J)

02.06.2020

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