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CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH

NEW DELHI

ORIGINAL APPLICATION No. 2106/91

24-12-92

O.P.Chhabra and others

Applicants

versus

Union of India & others

Respondents

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Ms. Usha Savara, Adm. Member.

(Hon. Ms. Justice U.C. Srivastava, V.C.)

The applicants 4 in number, out of whom 3(1,2 and 4) have retired from service, have prayed that the pay of the applicants be refixed at Rs 3200.00 on 25.9.86 with reference to the pay drawn by the junior Shri P.N. Karer and thereafter the pay be progressed as per rules, and retirement benefits of applicants (1)(2) and (4) be recalculated with reference to the pay fixed as per (a) above and payment be made within a time limit. Thus, they including the applicants who retired from service also made representations through Union but no action was taken, that is why they have approached the Tribunal.

2. The applicants who have retired from service were working as Loco Running Supervisors while the applicant No.3 is serving as Supervisor in Loco Running Supervisor in the Jhansi Division of the Central Railway. There is no dispute between the parties that after introduction of pay scales by the IVth Pay Commission with effect from 1.1.86, the pay scale was revised and fixed at a higher level. Some juniors to the applicants ^{who} were promoted as Running Supervisors after 1.1.86 got much higher fixation of pay in the revised scale of Rs 2000-3200 and 2350-3500 because 30% was added to their pay as

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Loco Drivers, in lieu of Running Allowances drawn by them before promotion. This resulted in these juniors drawing pay higher by about Rs 700/- than the seniors who had become Loco Running Supervisors prior to 1.1.1986. To remove this anomaly, the Railway Board issued the order dated 16.9.1988 directing that the pay of seniors who had been Loco Running Supervisors before 1.1.86 be stepped up in both the scales Rs 2000-3200 and Rs 2375-3500 with reference to the higher pay drawn by the juniors promoted after 1.1.1986.

3. Thus the bone of contention is the anomaly. At the relevant stage both the grades were controlled by the Railway Headquarters Bombay and not by the Divisions. Subsequently it has been decided that the lower grade of Rs 2000-3200 will be controlled by the Division and higher grade by the Railway Headquarters. The Central Railway Headquarters office issued letter dated 22.12.89 that the stepping up is to be made with reference to the higher pay of Rs 3200/- drawn by Shri P N Kareer of the Jabalpur Division and directed the Divisional Railway Managers to step up the pay of seniors with reference to that in consultation with their Divisional Accounts Officers. Various letters in this behalf were issued by the Central Railway but there is no denial of the fact that the applicant is senior to those who were promoted after 1.1.86 and were getting more than the applicant.

4. The respondents have explained the difference in pay scale of juniors and seniors and have refuted the claim of the applicant for stepping up of pay by pleading that the running staff of the Railway includes Drivers, Guards, Firemen, Shunters Brakesmen etc. and this Running allowance is considered to be notionally containing a component of pay. The Locomotive Drivers are eligible for promotion as Loco Supervisors. The pay of running staff is fixed under Rule 1316 of Indian Railway Establishment Code (6th Edition, 1987), Volume II,

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after taking into account 30% of basic pay last drawn in the Running Cadre which represents the pay element in the Running Allowance. In the revision of pay scale, subsequent to the recommendations of IV th Pay Commission the pay element i.e. 30% in the revised pay scales was substantially higher. This resulted in fixation of pay of Running Staff appointed as Loco Running Supervisors after 1.1.86 and in order to remove this anomaly, the Railway Board issued instructions vide letter dated 16.9.88 reference to which was made by the Railway Board in accordance with the Indian Railway Establishment Code which provides that ^{if} both the juniors and seniors belong to the same cadre and the post to which they are promoted, are identical and in the same cadre ~~and~~ ^{and} they are entitled to draw identical pay and the anomaly should be directly as a result of the application of Rule 1316(FR 22-C). It is on these grounds that the applicants are not entitled to these pay scales.

5. This question has been dealt with by us in O.A. No. 469/92 'K.L. Mendiratta vs. U.O.I.' and we have rejected the plea and have held that the Railway Board has misinterpreted the instructions and accordingly this application is allowed and the respondents are directed that the pay of the applicants be refixed at Rs 3200.00 on ^{259.86} ~~25.9.88~~ and consequential benefits to ~~xxxxxx~~ one who is in service and those who have already been retired. Let this be done within 3 months from the date of communication of this order to the respondents. No order as to costs.

A.M.
A.M.

V.C.
V.C.

Shakeel/-

Dated: 24.12.92.

correction made
in the Court's
order dt
24/12/92
[Signature]