

Central Administrative Tribunal
Principal Bench, New Delhi.

(9)

D.A. No. 2658/92 & 2676/92

New Delhi this the 4th Day of April, 1994.

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

DA-2658/92

1. Sh. Satya Paul,
S/o Sh. Amar Nath Arora,
R/o 6-B-MIG Flats, II Ird Phase,
Pocket 'A', Ashok Vihar,
New Delhi.
2. Sh. R. Loiseau,
S/o Sh. M. Loiseau,
C/o Mrs. P. Loiseau,
BHC, New Delhi.
3. Sh. Roop Ram,
S/o Sh. Hira Lal,
R/o 24-AB-Central Road,
Tundla.
4. Sh. Kewal Krishan Malhotra,
S/o Sh. Badra Nath,
R/o 102-B, Ashoka Enclave,
Perra Garhi, Delhi-41.
5. Sh. Ram Chander,
S/o Sh. Ghyansham,
R/o 9/302, Sector-III,
Rajinder Nagar,
Sahibabad.
6. Sh. Tribhawan Singh,
S/o Sh. Shalok Singh,
R/o 10-GH Loco Colony,
Allahabad.
7. Sh. Vishwanath Singh,
S/o Sh. P.D. Singh,
R/o 24, European Colony,
Mughal Sarai.
8. Sh. K.L. Tewari,
S/o Sh. S.S. Tewari,
R/o 93, CD, Loco Colony,
Allahabad.
9. Sh. A.A. Ansari,
S/o Sh. Habib Ali,
R/o 459, AB, Goods,
Shed Colony,
Allahabad.

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10.. Sh. F.A. Khan,
S/o Sh. K.R. Khan,
R/o 93, CD, Coco Colony,
Allahabad.

11. Sh. A.L. Maurya,
S/o Sh. Ram Khilawan Maurya,
R/o 10, DEF, Loco Colony,
Allahabad.

Applicants

(By advocate Sh. G.D. Bhandari)

versus

1. Union of India
through the General Manager,
Northern Railway,
Baroda House,
New Delhi.

2. The Divisional Railway Manager,
Northern Railway,
State Entry Road,
New Delhi.

Respondents

(By advocate Sh. H.K. Gangwani)

DA-2676/92

1. Sh. Nirmal Jeet Singh,
S/o Sh. Mangal Singh,
R/o 1/1752/2, Naveen Nagar,
Saharanpur.

2. Sh. Ghanshyam Dass,
S/o Sh. Ravi Shankar,
R/o 63-B, Railway Colony,
Near GPO,
Saharanpur.

3. Sh. Om Prakash,
S/o Sh. Ram Lal,
R/o 10, Guru Arjun Nagar,
Near Sophian School,
Saharanpur.

4. Sh. R.L. Read,
S/o Sh. Sant Ram,
C/o CPRC/HQ,
Northern Railway,
Baroda House,
New Delhi.

Applicants

(By advocate Sh. G.D. Bhandari)

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2. Union of India,
through the General Manager,
Northern Railway,
Baroda House, New Delhi.
2. The Divisional Railway Manager,
Northern Railway,
State Entry Road,
New Delhi.

(11) Respondents

(By advocate Sh. B.K. Aggarwal)

ORDER (ORAL)
delivered by Hon'ble Mr. B.N. Dhoundiyal, Member(A)

Heard the learned counsel for the parties
and perused the records.

There are 11 applicants in OA-2658/92 and
4 applicants in OA-2676/92. All of them claim
the benefit of the Railway Board's circulars dated
16.9.1988 and 14.9.1990 for stepping up of their
Pay after the implementation of the 4th Pay Commission
recommendations
with effect from 1.1.1986.

The applicants were promoted in the grade of
Rs. 700-900 prior to the implementation of the Fourth
Pay Commission Report on 1.1.1986. Their juniors
who were promoted after the enforcement of the Fourth
Pay Commission's Report were fixed at much higher
scale than those who had been promoted on supervisory
post prior to 1.1.1986. The Ministry of Railway
sought the removal of this anomaly vide their letters
dated 16.9.1988 and 14.9.1990. The pay of Senior
Loco Supervisors appointed prior to 1.1.1986 was to
be stepped up to the level of a junior drawing more
pay in the grade appointed on or after 1.1.1986.

The learned counsel for the respondents has
argued that stepping up of pay is applicable in the same

seniority unit and the same cadre. In this case, the drivers are selected for different cadres, namely, Power Controller, Inspectors and Loco Foreman. They can't compare their pay scales to that of their juniors in the other cadres to claim the benefit of the afores-mentioned circulars.

These issues have been considered by this Tribunal in case of Sh. K.L. Mehandi Ratta and Another versus Union of India (OA-469/92) decided on 22.12.1992. Relief was granted on the basis that though the nomenclature of Supervisor post may be different but ultimately all these cadres come within the term of 'Loco Supervisors'. It was also held that the intervening promotion would not affect the seniority. An S.L.P. filed by the respondents before the Hon'ble Supreme Court was dismissed. Thereafter, this issue has been considered by this Tribunal in O.A.Nos. 1532/92, 2106/91 and 3252/92 decided on 25.3.94. In all the judgements the following observations made in OA-469/92 have been reiterated:-

"It may be that the channel may be different but ultimately, both of them belong to supervisory staff. The intervening channel will not affect the seniority. Even if the said Bajpai belongs to the different unit, the unit is not analogous with the cadre, when there was a combined seniority and the promotional post is a higher, and both the then became Supervisors, the applicants shall also be entitled to the benefit of the said circular which was earlier rightly enforced by the Railway Board, and even otherwise, the applicants could not be deprived of the said benefit without giving an opportunity of hearing to the applicants."

In view of the afores-mentioned considerations, the applications are disposed of with the direction

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to the respondents to give the benefit to the applicants
in the same manner as have been given in OA-469/92.

There will be no order as to costs.

(B.N. DHOUNDIYAL)
MEMBER (A)

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प्रमाणित लक्ष्यप्रतिलिपि
CERTIFIED TRUE COPY
दिनांक 18/11/87
Date 18/11/87

अधिकारी * प्रिमियर (स्ट्रो-1)
Section Officer (S.I.)
मुख्य अधिकारी प्रिमियर व अधिकारी
Central Administrative Officer
मुख्यालय अधिकारी, नई दिल्ली
Principal Branch, New Delhi.

