

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH  
NEW DELHI

8

O.A. No. 151 of 1993 decided on 16.7.1998.

Name of Applicant : Smt. Krishna Talwar & others

By Advocate : Shri S.K.Sawhney

Versus

Name of respondent/s UOI & another


By Advocate : Shri B.K.Aggarwal

Corum:

Hon'ble Mr. N. Sahu, Member (Admnv)

Hon'ble Dr. A.Vedavalli, Member (J)

1. To be referred to the reporter - Yes/No
2. Whether to be circulated to the other Benches of the Tribunal. - Yes/No

  
(N. Sahu)  
Member (Admnv) 16/7/98

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No.151 of 1993

New Delhi, this the 16<sup>th</sup> day of July, 1998

Hon'ble Mr. N. Sahu, Member (Admnv)  
Hon'ble Dr.A.Vedavalli, Member (J)

1. Smt. Krishna Talwar D/o Sardari Lal Mehta, working as Senior Clerk in Refund Branch, Northern Railway, New Delhi. R/o C 2/127, Janakpuri, New Delhi.
2. Shri Bhupender Kumar Parashar, S/o Shri Birbal Sharma, r/o WZ-1409, D-3, Nangal Raya, New Delhi-46.
3. Shri Aziz Mahad Khan, S/o Shri Bando Khan, r/o F-117, Jawahar Park, Laxmi Nagar, New Delhi-92.
4. Shri Darshan Singh Rawat S/o late Sh. Maher Singh, r/o 4/9, Railway Colony, Dayabasti, Delhi-35.
5. Mrs. Daljit Kaur, D/o Shri Gurdeep Singh, r/o Flat No.14, Jhaz Apartments, Paschim Vihar, New Delhi.

-APPLICANTS

(By Advocate Shri S.K.Sawhney)

Versus

1. Union of India through General Manager Northern Railway, Baroda House, New Delhi.
2. Dy. Chief Personnel Officer, Northern Railway, Baroda House, New Delhi.

-RESPONDENTS

(By Advocate Shri B.K.Aggarwal)

ORDER

By Mr. N. Sahu, Member (Admnv) -

In this Original Application the applicants prayed for a direction to the respondents to grant proforma fixation to them as Senior Clerks in the scale of Rs.330-560 from 1.10.1980 and also seeks a direction to pay all consequential benefits of arrears from 7.10.1985 when the applicants were

promoted to the post of Senior Clerks. In the amended O.A. the additional prayer was to bring their pay equal to the pay of their juniors who were granted this benefit under the orders of the Tribunal.

2. The applicants were not granted the benefit of proforma fixation from 1.10.1980 as provided in Para 2 of the Railway Board's letter dated 18.6.1981 (Annexure-A-4) but were granted the minimum of the scale Rs.330-560 on promotion with effect from 7.10.1985 (Annexure-A-7). Similarly placed employees had sought and obtained relief from other Benches of the Tribunal. A number of Special Leave Petitions were preferred against the orders of the Tribunal which were clubbed together and the matter was decided in the case of Smt. Anuradha Mukherjee and others Vs. Union of India and others, JT 1996(3) SC 576. All these SLPs raised the question of benefit of proforma fixation of pay as Clerk Grade-I from 1.10.1980 to serving graduate Clerk Grade-II on their qualifying Limited Departmental Competitive Examination (LDCE) and dealt with determination of inter se seniority. The decision of their Lordships was implemented by the Railway Board by communicating its order dated 17.1.1997. The three directions issued for implementation are in conformity with paras 13(7), 14 and 15 of the order of their Lordship. The learned counsel for the respondents who placed a copy of the above order agreed that this O.A. can be

disposed of in terms of the directions as contained in their letter dated 17.1.1997. These three directions are reproduced below -

- "(i) All in-service graduate Clerks Grade Rs.260-400(RS) (Rs.950-1500(RPS) who were in service prior to 1.10.80 and have been selected as Senior Clerks Grade Rs.330-560 (RS)/ Rs.1200-24040(RPS) through LDCE will be eligible for proforma fixation of pay w.e.f. 1.10.80 without any monetary benefits except for the purpose of pension. They are entitled to emoluments with effect from the date they actually took over the charge of the post of Senior Clerks.
- (ii) All serving graduate Clerks Grade Rs.260-400(RS)/ Rs.950-1500(RPS) who were appointed as such after 1.10.1980 and have subsequently been appointed as Senior Clerks Grade Rs.330-560 (RS)/ Rs.1200-2040 (RPS) on their qualifying Limited Departmental Competitive Exam. will not be eligible for any proforma fixation w.e.f. 1.10.80 but from the date of their appointment as Clerks Grade Rs.260-400(RS)/ Rs.950-1500 (RPS) and actual benefit from the date of their joining as Senior Clerk.
- (iii) The seniority as Senior Clerks to the persons whether granted proforma promotion or adhoc promotion as also those directly recruited will continue to be governed by para 302 of IREM."

3. We also direct the respondents to pass orders in the case of the applicants within four weeks from the date of receipt of a copy of this order on the lines stated above. With this direction, this O.A. is disposed of. No costs.

*A Vedavalli*

(Dr.A. Vedavalli)  
Member (J)

*Narasimhasulu*  
(N. Sahu) 16.7.98,  
Member (Admnv)

rkv.