

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

ALLAHABAD THIS THE 5th DAY OF JULY, 2001.

CORAM :- Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Maj. Gen K.K. Srivastava, A.M.

Original Application No. 1164 of 1996.

1. J.N. Upadhyaya S/o Sri Chandan Upadhyay
a/a 44 years, R/o 150-A, Meera Patti,
Dhumangang, Allahabad.
2. Mrityunjay Prasad S/o Sri Ramji Shukla
a/a 42 years, R/o 157, Tula RamBagh, Allahabad.

.....Applicants.

Counsel for the applicants :- Sri S.S. Sharma

V E R S U S

1. Union of India owning and representing Railway
Electrification, Notice to be served on the
General Manager, Head Quarters, CORE, Nawab Yusuf
Road, Civil Lines, Allahabad.
2. The Chief Engineer and Chief Personnel Officer,
CORE, Nawab Yusuf Road, Civil Lines, Allahabad.

.....Respondents

Counsel for the respondents :- Sri A.C. Mishra


O R D E R (Oral)

(By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.)

By filing this O.A under section 19 of the
Administrative Tribunal's Act, 1985, a direction has
been prayed that the applicant No. 1 ~~is~~^{is} J.N. Upadhyay

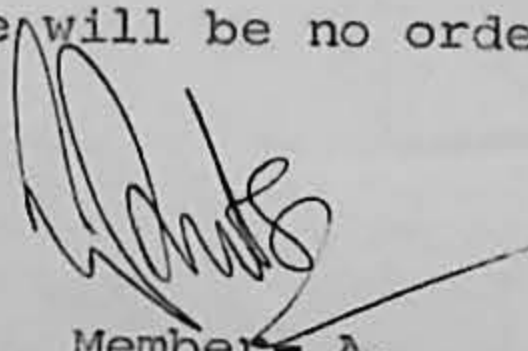
may be given pay in the grade of Rs.1200-2040/- (RPS) which is being paid to Sri Jagnath, a employee junior to him. It has also been prayed that applicant No.2 is serving as Material Clerk which is Group III post and he is entitled for payment of salary in the grade of Rs. 950-1500/- (RPS). C.A. has been filed in para 17 of which it has been stated that the higher pay scale to Sri Jagnath is justified as he was granted two promotions on adhoc basis prior to 30.09.1988. After 30.09.1988 more than one adhoc promotion could not be granted under Railway Board's Circular. Thus he is getting higher pay scale. But under the Railway Board's direction adhoc promotion could not given to applicant hence he is getting lower scale than Sri Jagnath. The respondents have tried to justify the aforesaid difference in the pay scale of two persons who are working on similar posts. It can not be disputed that it has resulted in anomaly as the person junior to the applicant is getting higher pay scale. Both the applicant No.1 and Sri Jagnath are working in the Railway Electrification Unit on deputation basis and their lien is with the Northern Railway, Allahabad Division. They are holding the same cadre. In these circumstances, in our opinion, this anomaly is required to be removed by action of respondents. So far as the applicant No. 2 is concerned, it is not disputed that he is serving as MCC which is a group 'C' post for which the pay scale is 950-1500 but applicant No.2 is being paid the scale of Rs. 825-1200. We do not find any justifiable reason for not paying the salary to the applicant in the correct scale. His case also required consideration by the respondents.

2. The O.A is accordingly disposed of finally with the direction to the respondents to consider the

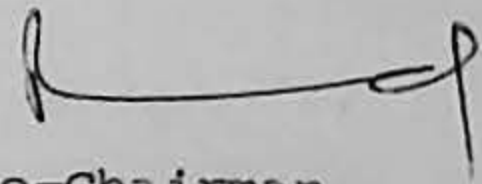


case of applicant No.1 and applicant No. 2 in the light of observation made above and decide their representations by reasoned order within three months from the date a copy of this order is filed before him. The applicants shall file the representations alongwith copy of this order within two weeks.

3. There will be no order as to costs.



Member - A.



Vice-Chairman.

/Anand/