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Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD

Allahabad this the 13th day of July 2000.

Original Application No. 989 of 1997.

Hon'ble Mr. R.P.K. Trivedi, Vice Chairman.

Hon'ble Mr. S. Dayal, Administrative Member.

1. Radha Mohan Singh
Retired Office Superintendent Gr. II
Under Chief Commercial Manager,
North Eastern Railway,
Gorakhpur.

Retired on 31.1.91.
R/o Mchalla-Mohaddipur
Behind Mohaddipur Post Office,
District: Gorakhpur (U.P.)
2. Bhanu Pratap Gupta,
Retired Office Superintendent Grade I
Under Chief Commercial Manager,
North Eastern Railway,
Gorakhpur.

Retired on 31.7.94.
R/o Mohalla-Bilandpur Kasia Road,
Behind Yadav Bestraly,
Gorakhpur(U.P.)
3. Lalit Mohan,
Retired Office Superintendent Grade II,
Under Chief Commercial Manager,
North Eastern Railway,
Gorakhpur.

Retired on 30.11.90.
R/o House No. C/130-255
Gulab Batika Jail Road,
Mohalla: Shahpur,
Gorakhpur (U.P.)

..... Applicants

C/A Sri A.P. Srivastava

Versus

1. Union of India through
Chairman Railway Board,
Rail Bhawan,
New Delhi.
2. The General Manager,

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North Eastern Railway,
Gorakhpur.

.....R espondents

C/R Sri A.K. Gaur.

O R D E RBy Hon'ble Mr. S. Dayal, Administrative Member.

This application has been filed under section 19 of Central Administrative Tribunals Act 1985, for setting aside the impugned order issued by the Railway Board i.e. respondent no. 1 vide letter dated 25.1.96. A direction has also been sought to the respondents to give the benefit of stepping up ^{pay} of the applicants, in relation to their juniors i.e. Ganga Prasad Mishra and Mohd. Hafeez Khan.

2. The case of the applicants is that they were working as Upper Division Clerk in the pay scale of Rs. 330-560/- w.e.f. 26.6.85 and were granted special pay of Rs. 35/- per months. They were promoted as Head Clerk grade Rs. 425-700/- against cadre restructuring in the Ministerial cadre with retrospective effect. The applicants were not allowed the benefit of special pay of Rs. 35/- which they were getting on the date of the order of promotion for the purpose of fixation of their pay on promotion as Head Clerk in the scale of Rs. 425-700/- (RS). They claimed that their Juniors namely Sri Ganga Prasad Mishra and Mohd. Hafeez Khan who were promoted to the post of Head Clerk much after the date the applicants were promoted and who were drawing lesser pay than the applicants as Upper Division Clerks were however, allowed the benefit of special pay of Rs. 35/-. As a result their pay was

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fixed @ Rs. 1640/- per month in the year 1986 viz-a-viz the applicants whose pay was fixed as Rs. 1560/- per month.

3. The applicants have placed their claim on the basis of letter no. E(P&A)II/90/PP-II dated 1-6-1990 of the Railway Board. It has been decided by the Ministry of Railways in this letter that the fixtation by stepping up of pay may also be given on adhoc promotion provided that the adhoc promotions of the senior and juniors persons are followed by their regular promotions without break. The pay of the senior person, in such cases, was to be stepped up from the date of occurrence of the anomaly i.e., from the date of promotion of the junior. The letter reads as follows:-

Sub:-Stepping up of pay of Seniors with reference to juniors drawing more pay.

Attention is invited to Ministry of Railway's letters Noo FC-III/ROP/1/46 dated 5th October, 1976, wherein it was decided, in consultation with the Ministry of Finance, that benefit of stepping up of pay may also be given on ad-hoc promotion provided that the ad-hoc promotions of the senior and junior persons are followed by their regular promotions without break. The pay of the senior person, in such cases, was to be stepped up from the date of occurrence of the anomaly .e., from the date of promotion of the junior and not from the date of regularisation of his promotion.

2. The above matter has since been reconsidered in consultation with the department of Personnel and

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Training and it has been decided that the benefit of stepping up of the pay of Seniors with reference to that of juniors should be allowed only in cases where the promotions are on a regular basis.

3. The instructions contained in Board's letter dated 5th, October, 1976 may therefore be treated as withdrawn.

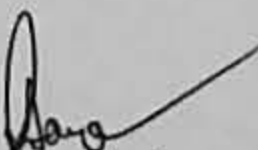
4. This issues in consultation with the Finance Directorate of the Ministry of Railways.


5. The learned counsel for the applicant has also placed reliance on the order of Principal Bench in O.A. No. 371/91 dated 08.03.1996 in which under similar circumstances stepping up of pay of seniors in relation to the pay of their juniors has been allowed.

6. It is not disputed that the applicants were getting special pay on the date of their promotion. It is also not denied that higher pay was fixed in the case of their juniors only on account of their drawal of special pay with effect from the date their pay was fixed. It is not denied that the applicants were granted regular promotion.

7. We, therefore, allow the relief of stepping up of pay to the applicants in relation to their juniors Sri Ganga Prasad Mishra and Mohd. Hafeez Khan with effect from the date the pay of their juniors became higher. The pension of the applicants shall also be refixed after pay is fixed accordingly. This shall be carried out within 3 months from the date of receipt of this order.

8. There shall be no order as to costs.


Member-A


Vice- Chairman