

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.610 OF 1998
ALLAHABAD THIS THE 25th DAY OF September , 2003

HON'BLE MAJ GEN. K.K. SRIVASTAVA, MEMBER-A
HON'BLE MR. A. K. BHATNAGAR, MEMBER-J

1. Vijai Bahadur Singh,
aged about 38 years,
son of Shri Indradeo Singh,
presently posted as Switch Man at
Babatpur Station, Varanasi.
2. Ram Tirath,
aged about 41 years,
son of Shri Jinku Ram,
presently posted as Switchman at
Babatpur Station, Varanasi.
3. Ram Kumar Yadav, aged
about 45 years,
son of Jagannath Posted as Switch Man
at Kashi Station, Varanasi.
4. Ramanand Yadav,
aged about 38 years,
son of Shri R.K. Yadav,
posted as Switch Man at Kashi Station,
Varanasi.
5. Mahraj Din,
aged about 52 years,
son of late Shri Janki Yadav,
posted as Switch Man at Lohata Station,
Varanasi.
6. Dukhi aged about 48 years,
son of Shri Gulhai, posted as Switch Man
at Lohata Station, Varanasi.
7. Babu Lal aged about 52 years,
son of Bhagirathi, posted as Switch Man at
Babatpur Station, Varanasi.
8. Kedar Nath Yadav,
aged about 42 years,
son of Hathoo Yadav,
posted as Switch Man under Traffic Inspector,
Varanasi Station.

9. Daya Ram aged about 42 years, son of Harknoo Ram, posted as Switch Man at Shivpur Station Varanasi.
10. Rajpal aged about 40 years, son of Kautu Ram, posted as Switch Man at Shivpur Station, Varanasi.
11. Puttan Lal aged about 52 years, son of Moti Lal, posted as Switch Man at Babatpur Station, Varanasi.
12. Brijesh Kumar aged about 38 years, son of Satish Kumar Srivastava, posted as Switch Man at Babatpur Station, Varanasi.
13. Munni Lal aged about 42 years, son of Shri Chhotey posted as Switch Man at Babatpur Station, Varanasi.
14. Dhanu Shanker Singh, aged about 47 years, son of Jeet Narain Singh, posted as Switch Man at Veerpatti Station, Varanasi.
15. Ram Ashish aged about 45 years, son of Jhinguri Ram, posted at Veerpatti Station, Varanasi.
16. Ram Lakhman son of Shri Pal, resident of village Husaidiya, P.O. Gomatinagar, Lucknow.
17. Beni Prasad Tiwari, son of Late Lakshaman Prasad Tiwari, resident of House No. 569 K/231/6 Sneh Nagar Alambagh, Lucknow.
18. Ram Bhajan aged about 39 years son of Shri Mahraj Din Yday, resident of village and Post Office Deodoot, District-Barabanki.
19. Sipahi Lal aged about 49 years, son of Baul Prasad, resident of village and post Rokari, District-Allahabad.
20. Diwan Prasad aged about 51 years son of Ram Prasad, resident of village and post office and District Unnao.

21. Ram Ratan Pal aged about 50 years, son of Shri Shiv Ratan, resident of House No.55/24 Anandbazar Alambagh, Lucknow.
22. Mohd. Shamim aged about 39 years, son of Shri Mohd. Anseer, resident of 554 Ga/7 Damodarnagar, Alambagh, Lucknow.
23. Rajesh Kumar aged about 38 years, son of Ram Prasad, resident of Railway Colony Unnao, District-Unnao.
24. Switch Man's Association, Northern Railway, Lucknow Mandal having its head Office at T-6-B Railway Station Babatpur, through its Shri Vijai Bahadur Singh.

.....Applicants

(By Advocate Shri B.K. Narain)

Versus

1. Union of India, through Ministry of Railways, Rail Mantrayalay, New Delhi.
2. Financial Manager, Railways, New Delhi.
3. Chairman Railway Board, New Delhi.
4. Hon'ble Railway Minister, Government of India, New Delhi.

.....Respondents

(By Advocate Shri A.K. Gaur)

O R D E R

HON'BLE MAJ GEN. K.K. SRIVASTAVA, MEMBER-A

In this O.A. filed under Section 19 of Administrative

Tribunals Act 1985, the applicants have prayed that the ^{Central} Pay scale of Switchmen determined by the Vth Pay Commission (in short CPC) be enhanced and the same be fixed equivalent to the scale of Assistant Station Masters (in short ASM). In the present case, 23 applicants ^{are} working as Switchmen in the Railways and applicant no. 24 is ^{an} Association of Switchmen.

2. The facts of the case are that prior to Vth CPC the Pay scales of Assistant Station Master and Switchmen were exactly same, in as much as in the IIIrd Pay Commission their scale was Rs.330-560/- and in the IVth Central Pay Commission it ~~was~~ ^{is} Rs.1200-2040/-. It is further stated that in the cadre of ASM five different pay scales by way of promotional avenues have been provided i.e., the Pay scale of Rs.1200-2040/-, Rs.1400-2300/-, Rs.1600-2660/-, Rs.2000-3200/- and Rs.2375-3500/- whereas there is no such promotional avenues in the cadre of Switchmen and they have been provided only one scale of Rs.1200-2040/-.

3. The learned counsel for the applicant has stated that ⁱⁿ the nature of duties and responsibility of Switchmen and ASM are also same and, therefore, they are entitled to be placed in the same pay scale.

4. The learned counsel for the applicant further submitted that in pursuance to the recommendation of Vth Pay Commission Railway Administration has issued Railway Services (Revised Pay) Rules 1997 providing the schedule for revised pay scale and the schedule 1 ⁱⁿ the scale no. 7 ⁱⁿ is applicable on the applicants and by this schedule the post of Switchmen, Cabinmen, Shunting Jamadar, ⁱⁿ Shunting Masters have been clubbed together although the requisite qualification of Switchmen are higher.

4. The learned counsel for the applicant finally submitted that this revision has been ^hillegally ^hdone which has resulted in reduction in rank. Being aggrieved with the revision, applicant submitted representations on 22.01.1998 and 24.02.98 but nothing could be done.

5. The claim of the applicant has been resisted by the respondents by filing CM wherein it has ^hbeen ^hstated that applicants are not entitled for revision of their salary. It has been stated that the ^hPay Commission was appointed by the Government and it had gone ^hinto ^hdetails of various pay scales of Government employees including Railway employees. While recommending the replacement scale, Vth Pay Commission had given due consideration to the memorandum submitted by various associations. Respondent's counsel have also stated that for any anomaly in the revision or fixation of pay scale, statutory arbitration machinery has been provided known as National/Departmental anomaly committee and ^hJoint ^hconsultative Machinery (JCM).

6. We have heard counsel for the parties at length, considered their submissions and perused records, as well as pleadings.

7. There is no dispute with regard to factual matrix of the case. However, the question for ^hour ^hdetermination is as to whether the dispute ^hwith regard to revision of applicant's Pay scale can be agitated in this court directly without approaching the departmental arbitration machinery i.e., JCM or anomaly committee.

8. Pay scale on various posts and categories are being fixed on the basis of requisite ^heducational qualification,

source and mode of appointment, nature of work, quality and quantity of work and the responsibility attached to it. ^{the} Quantity may be same but quality and responsibility may differ ^{Hon'ble Supreme Court} and considering these aspects in the case of State of U.P. and Ors. Vs. J.P. Chaurasia and Ors, 1989(1) SCC 121 has observed as under:-

"The question of posts or equation of pay must be determined by expert bodies like Pay Commission. They would be the best judge to evaluate the nature of duties and responsibilities of posts. If there is any such determination by a Commission or Committee, the court should normally accept it. The court should not try to tinker with such equivalence unless it is shown that it was made with extraneous consideration."

9. Pay Commission is a device by which an independent body of experts investigates the demands of Central Government employees and submits its recommendations, on which decision by the Government is taken. JCM offers an effective negotiating machinery and the awards given by it are binding on both the sides i.e., Government and its employees.

10. Likewise Departmental anomaly has been provided in every department which examines the anomaly crept in the report of Pay Commission in fixing the pay scales of two different categories.

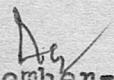
11. Admittedly, the applicants have not approached any of these remedies available to them and have approached this Tribunal directly without availing effective alternative remedies available to them.

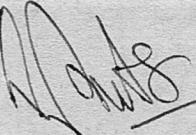
12. For the reasons stated above, the O.A. is liable to be



dismissed. The O.A. is, therefore, dismissed. It is however, open to the applicants to make an appropriate representation to the anomaly committee, if they are so advised.

13. There shall be no order as to costs.


Member-J


Member-A

/Heelam/