



**Central Administrative Tribunal
Lucknow Bench, Lucknow**

**MA No. 332/00786/2020
OA No. 332/00373/2018**

This the 26th day of March, 2021

**Hon'ble Mr. R.N. Singh, Member (J)
Hon'ble Ms. Aradhana Johri, Member (A)**

Munni Kumari
Aged about 58 years
Daughter of – Late Shri Tribhuwan Nath
Resident of – 289/47, Syal Building
Moti Nagar, Lucknow. ... Applicant

(Through: Shri Praveen Kumar Advocate)

Versus

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi
2. The Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow.
3. The Senior Divisional Personnel Officer, Northern Railway, Hazratganj, Lucknow.
4. The Chief Medical Superintendent, Northern Railway Hospital, Charbagh, Lucknow.
5. The Assistant Personnel Officer (Salary), Northern Railway, Hazratganj, Lucknow. ... Respondents

(Through: Shri Ashutosh Pathak, Advocate)

ORDER (Oral)**Hon'ble Mr. R. N. Singh, Member (J):**

The present OA has been filed by the applicant to challenge the Order dated 15.12.2017 vide which the respondents have revised the pay of the applicant, allegedly without affording any appropriate or reasonable opportunity of hearing. The applicant is also stated to be aggrieved of imposition of recovery of amount as a result of alleged over payment (Annexures A-1 and A-2).

2. The applicant has prayed for the following reliefs:

1. To quash the impugned order dated 15.12.2017 and recovery indicated in salary slip for the month of July 2018, contained as Annexure No. A-1 & A-2 to this OA with all consequential benefits.
2. To direct the respondents to the applicant salary in terms of fixation already made and not to recover the amount proposed from the applicant.
3. To refund the amount of recovery alongwith interest @12% per annum from the date of due till the actual date of payment.
4. Any other relief which this Hon'ble Tribunal may deem fit, just and proper under the circumstances of the case may also be passed.
5. Cost of the present case as the applicant has unnecessary been dragged in litigation."

3. Pleadings are stated to be complete. During the pendency of the OA, the applicant has filed MA no. 786/2020 praying therein for disposal of the aforesaid OA.



4. Heard the learned counsel for the applicant.
5. Issue notice on MA. Shri Ashutosh Pathak, learned counsel, who appears for respondents, accepts notice.
6. It is not in dispute that during the pendency of the OA, the Government of India, Ministry of Railways (Railway Board) vide RBE no. 09/2020 dated 30.01.2020/11.02.2020 (Annexure M-1) addressed to the General Manager (P), All Indian Railways and Production Units have instructed as under:

"Consequent upon implementation of recommendations of 6th CPC as accepted by Govt. of India, posts of Chief Matron & Matron in the pre-revised scale of Rs. 7450-11500 & Rs. 6500-10500 were granted a revised pay structure of PB-3 (Rs. 15600-39100) + GP Rs. 5400.

2. Fixation tables were issued as Annexure 'E' to Board's letter No. PC-VI/2008/I/RSRP/I dated 11.09.2008 for fixation of initial pay in 6th CPC pay structure in respect of existing employees (already in service as on 1.1.2006) in cases where normal replacement pay structure were prescribed. Further clarifications were issued vide letter No. PC-VI/2008/I/RSRP/I dated 11.11.2008 regarding methodology for fixation of pay where upgraded pay structure were given.

3. References were received from various Zonal Railways seeking necessary clarification/fixation tables regarding correct methodology for fixation of pay (indicating benefit of bunching) for the posts of Chief Matron/Matron (pre-revised scale of Rs. 7450-11500 & 6500-10500) where various stages in pre-revised scales are getting bunched at minimum of PB-3 (Rs. 15600).

4. The matter has been examined in consultation with Finance Dte of this Ministry and accordingly, provisional fixation tables in respect of Chief Matron/Matron in the pre-revised scale of 6500-10500 & 7450-11500 (placed in revised



pay scale of 15600-39100 + GP 5400) are annexed herewith for utilizing the same for initial pay fixation in 6th CPC pay structure for the above posts.

5. This issues with the concurrence of Finance Directorate of this Ministry."

7. It is not in dispute that in view of the subsequent policy decision of the Railways vide aforesaid RBE no. 09/2020, the respondents are required to revisit their orders, impugned in the aforesaid OA and they are also required to consider the grant of the benefits of RBE 09/2020 to the applicant as well in accordance with relevant rules and instructions on the subject.

8. In view of the aforesaid, with the consent of learned counsels for the parties, the present OA is partly allowed, the impugned orders are quashed with direction to the respondents to reconsider the claim of the applicant in the aforesaid OA in view of the aforesaid RBE no. 09/2020 and to pass an appropriate reasoned and speaking order. It is further directed that if on such re-consideration, the applicant is found entitled to be paid any arrears etc., the respondents shall release the same to the applicant. The aforesaid exercise shall be completed by the respondents as expeditiously as possible and in any case within twelve

weeks of receipt of a copy of this order. The OA and MA stand disposed of in the aforesaid terms. No costs.

(Aradhana Johri)
Member (A)

(R.N. Singh)
Member (J)

dkm/anjali/daya/shilpi//

O.R.