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CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH

Original Application No. 565 of 1986

Dinesh Kumar Saxena and Ors. .. Applicants

Vs.

Union of India and Ors. .. Respondents

Hon'ble Mr. A.B. Gorthi, Member(A)

( By Hon. Mr. A.B. Gorthi, Member(A) )

The applicants, 10 in number, approached the Tribunal with the prayer that their grade should be fixed in the pay scale of Rs.260-400(RS) in accordance with the extant instructions on the subject.

2. The applicants belonging to the Engineering Department of the Central Railway Jhansi claim that they have been working continuously as Asstt. Time Keeper/ Material Checker/Clerk ever since 1979 - 1983. They <sup>are</sup> ~~have~~ been <sup>Pay</sup> ~~given~~ pay in the ~~Scale~~ of Rs.225-308(RS). The applicants contend that <sup>their</sup> ~~they~~ counter-parts in other units of Loco-shed, Workshop and C&W <sup>work</sup> ~~work~~ being paid in the higher scale of Rs.260-400(RS). Accordingly they too claiming the pay fixation in the said higher scale of pay.

3. It is unfortunate that in this case though the application has been filed in 1986 the respondents have

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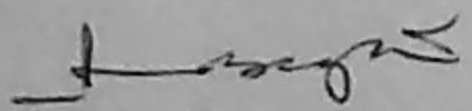


not chosen to come with a counter affidavit to assist the Tribunal, despite having been given sufficient opportunity. I have therefore no alternative but to accept the facts stated in the application as correct.

4. Learned counsel for the applicants Sri R.K. Nigam has drawn our attention to circular letter No. P-326/1/PUU/EO dated 15.12.1989 issued by the Central Railway. This circular states that in accordance with the Railway Board's decision, A.D.R.M(T) has accorded sanction for the replacement of Rs.225-308(RS) by the pay scale Rs. 260-400(RS) of Material Checker/Store Chaser/State Issuer in the Grade of Rs.225-308(RS) working in the Engineering Department w.e.f. 16.1.1978 onwards. The circular further directs that the pay of incumbents may be fixed in the scale of Rs.260-400(RS) w.e.f. 16.1.1978 or from the actual date since when they have worked in the grade of Rs.225-308(RS) after 16.1.1978.

5. A representation made by some of the affected employees addressed to the Divisional Railway Manager, Central Railway Jhansi has remained unanswered.

6. Although it is not very clear to me as to why the applicants have been denied the higher pay scale, it is possible <sup>that</sup> ~~but~~ they were denied the benefit of the higher pay scale for the reason that they ~~are~~ <sup>were</sup> appointed on adhoc basis. Whether an employee works on adhoc basis or on a regular basis <sup>he is</sup> ~~they are~~ entitled to the same scale of pay. Accordingly the pay of the applicants also should



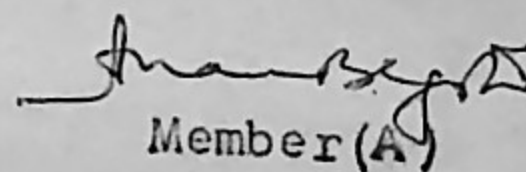


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have been fixed in the higher scale of Rs.260-400(RS). The respondents are hereby directed to refix the pay of the applicants in terms of the extant Railway Circulars and give them the benefit of the revised fixation of pay, w.e.f the date(S) on which each of them resumed the appointment of ATK/Material Checker/Clerk. The respondents are given 3 months time to comply with this order.

7. The application is disposed off in the above terms.

  
Member(A)

Dated: 20th February, 1992

(UV)