

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration T.A.No.637 of 1987
(W.P.No.6869 of 1978)

Kedar Nath & Others Petitioners

Versus

Divisional Superintendent N.R.
and Others. Respondents.

Hon. Ajay Johri, A.M.

Hon. G.S. Sharma, J.M.

(By Hon. Ajay Johri, A.M.)

32 ✓ The petitioners in this writ petition are Steam Coal Crane Drivers working in the Northern Railway Loco Shed at Allahabad. They have prayed for quashing of an order dated 29.7.78 (Annexure-VI) issued by Divisional Superintendent Allahabad and for issue of a direction to opposite parties not to reduce their salary and maintain it in the scale of Rs. 260 - 400.

2. The petitioners' case is that their posts were classified in the skilled category. They were confirmed as Steam Coal Crane Drivers on various dates. In 1959 the authorised pay scales came in and the skilled grade was given the pay scale of Rs. 110-180. They were fixed in this scale and also earned regular increments. On 1.10.58 the Steam Coal Crane Drivers were redesignated as Bucket Drivers and their

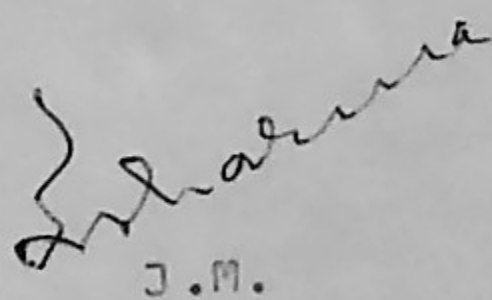
classification was changed to Semi Skilled Category. Some persons filed a Writ Petition No.2822 of 1959 Mohan Singh Vs. Divisional Superintendent Northern Railway in the Allahabad High Court which was allowed in 1962 in their favour. An appeal against the same was dismissed in 1964. It was held in this Writ Petition that having been confirmed in skilled category the reclassification of the post as semi skilled tantamounted to reversion and could not be done without following the provisions of Article 311. In 1967, the increments of the petitioners were stopped. They again went to court through a Writ Petition No.5538 of 1971. Kedar Nath Versus Divisional Superintendent Northern Railway. This petition was allowed in November, 1971. There was another revision of the scales of pay in 1973. The pay of Steam Coal Crane Drivers who were in skilled grade was fixed in the new scale of Rs.260 - 400. Since there was some confusion regarding the categorization of the Steam Coal Crane Drivers the Railway Board issued orders in 1976 to maintain status quo and the petitioners were fixed in the scale Rs.260 - 400. Subsequently in 1978 the Divisional Supdt. Allahabad misinterpreted the Railway Board's letter of 1976 and reduced the pay of the petitioners to the semi skilled category. It is this order that is under challenge.

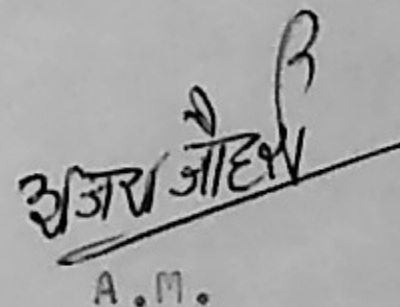
3. The respondents' case is that the Railway Board changed the earlier classification of skilled category in respect of Steam Coal Crane Drivers to Semi skilled category in 1956 and they also said in this order that such of those Crane Drivers who were confirmed in the skilled category on the basis of earlier 1948 classification should be allowed to retain the grade personal to them. On the introduction of the revised pay scale in 1975 the pay of these drivers was by mistake fixed in the grade Rs. 260 - 400 so the petitioners have been brought back to the authorized scales of pay i.e. Rs. 110 - 180.

31 ✓
4. A reading of the Railway Board's order makes it clear that there is no dispute in respect of such crane drivers who were confirmed in the skilled category. The contention raised before us by the learned counsel for the petitioners was also that having been confirmed in skilled grade the petitioners cannot be fixed in a lower scale of pay as it amounts to reversion. In this case no one appeared for the respondents. However the petitioners' confirmation in the skilled grade is not under dispute. They have to be given the scale pay of the skilled grade whatever it may be in the Authorised or Prescribed scales of pay or thereafter. They will draw the scale pay of the skilled category and cannot

be denied the same. The Railway Board's intention in their 1976 letter appears to be for contesting the classification of the posts and not the fact that scales of pay granted on personal basis to the confirmed staff need to be disturbed. This evidently is a wrong interpretation of the letter by the respondents.

5. Under the above circumstances we allow the petition. We direct that irrespective of the classification of the post of Steam Coal Crane Drivers in Loco Sheds, the petitioners who are confirmed skilled category drivers will draw the pay scale of skilled category as personal to them according to the scales allotted to the skilled category from time to time. We make no order as to costs.


J.M.


A.M.

Dated the 19th Aug., 1988.

RKM