

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

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Registration O.A. No. 1405 of 1988

S.D. Tripathi and others Applicants.

Versus

Union of India
and others Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. K. Obayya, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicants, 35 in numbers, by means of this application have prayed that the respondents may be directed to act in accordance with the orders contained in Railway Board's letters dated 10.11.1980 and 18.6.1981 to proforma fix the applicants pay and assign seniority to them w.e.f. 1.10.1980 or from the date of their joining the Railways and further the respondents may be directed to give all consequential benefits to the applicants treating them as senior clerks in the Grade of Rs. 330-560 w.e.f. 1.10.1980 or from the respective dates of joining the Railways. These applicants were appointed in Allahabad and Moradabad Divisions of the Northern Railway as Clerks in the Grade of Rs. 260-400 on various dates i.e. between 1979 to 1983. As a result of restructuring in the Railways, the Railway Board's issued an order on 10.11.1980 in which it was directed that in order to bring about qualitative improvement in the functioning of the personal Department, the president has given his consent for introducing direct recruitment of graduates at the level of senior clerks in the scale of Rs. 330-350. For the personal department 20% of the total strength of the cadre of senior clerks was ordered to be filled in by direct recruitment of graduates

in the said cadre. The grievance of the applicant is that although, such a proforma fixation has been done in various cases in the name of various persons but the applicant has been discriminated and even though, the representations have been filed, but no heed to the same was paid, and he was informed that the same matter is also pending before the Central Administrative Tribunal, Allahabad Bench and when the same is decided, action would be taken. The Tribunal has already decided the matter. In this connection reference has been made to the case of Surendra Kumar Sandhya and others Vs. Union of India and others (O.A. No. 132 of 1986) decided by a Bench of this Tribunal on 29.10.1986. In this case the applicant has been filed by the similarly placed employees of the East Railway who were also claiming of the benefit of the same Railway Board's order. The application was allowed and it was held that in pursuance of the Railway Board's letter dated 18.1.1986, the upgradations were to be made from 1.10.1980 though they were to be effective from the date the qualified candidates took over charge of the higher grade post. Their pay had to be fixed proforma keeping the date 1.10.1980. This was the date of upgradation and as mentioned above no arrears were to be paid, and consequently, the respondents were directed for proforma fixation of their pay on the basis of para-2 of the Railway Board's letter dated 18.6.1981 from 1.10.1980. The same matter came up for consideration before one of us (Hon. Mr. K. Obayya, A.M.) in Registration O.A. No. 11951 of 1988 decided on 8.12.1989 in which similar view has been taken after placing reliance on the said Surendra Kumar Sandhya's case and similar other cases decided by other Tribunal.

2. Accordingly, this application is also allowed and the respondents are directed to fix the pay of the applicant on the basis of para-2 of the Railway Board's letter dated 18.6.1981 from 1.10.1980 on the proforma basis and his seniority will also be assigned w.e.f. the said date. The application is disposed of with the above directions. Parties to bear their own costs.

Chidambaram
Member (A)

6.7.1992

(n.u.)

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Vice-Chairman