

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Original Application No. 861 of 1992.

Shri P.K. Srivastava and 12 others. *Bel* ... Applicant

Versus

Union of India & Others ... Respondents

HON'BLE MR. JUSTICE R.K. VARMA, VICE CHAIRMAN
HON'BLE MISS USHA SEN, MEMBER (ADMINISTRATIVE)

(By Hon'ble Miss Usha Sen-A.M.)

This application is directed against the order dated
15-5-1987 (Annexure A-1) ^{of the Railway Board} by which the Commercial and Traffic
Apprentices recruited after 15-5-1987 are to be fitted in the
initial scale of Rs. 1600-2660 while those who were recruited as
such prior to this date in the scale of Rs. 1400-2300 would either
have to appear again in the selection test for direct recruitment
in order to get this scale or wait for their turn for promotion
to this scale in the promotion quota.

2- ^{in brief} The facts of the case are that the applicants were recruited
as Commercial and Traffic Apprentices in the N.E. Railway and on
completion of their training were fitted in the pay scale of
Rs. 1400-2300. On 15-5-1987 the Railway Board issued an order
revising the scheme for recruitment of such apprentices. Under
the new scheme the recruitment after the issue of this order
was to be made for fitment in the initial grade of Rs. 1600-2660.
The standard of the examination was to be made higher than earlier
having regard to the fact that recruitment was to be in a higher
grade. The training period was reduced from three to two years.

.../p2.

Corrected as per
order dt 14/9/94 on
M.A. 2289/94

~~14~~

Ush

The syllabus for training was to be recast and updated with a view to broad-basing it so that Apprentices of one department get adequate training relevant to the other department also.

However, the Apprentices recruited before the issue of this order for fitment ^{& in the initial grade of Rs.1400-2300 were} to be allowed the benefit of the higher grade ^{> again in the examination for the} of Rs.1600-2660 only by appearing [>] direct ~~test~~ recruitment quota of 25% or by way of promotion in the promotion quota in accordance with the orders governing promotion. One Shri P.C.Ojha, who was appointed on 01-01-86 after training as ^{> commercial} Apprentice had filed an application [>] in the Principal Bench of the C.A.T. (O.A.No.2050 of 1988) against this ^{> same} order of 15-5-1987 of the Railway Board on the grounds inter alia, that ^{> since} the pre as well as the post 15-5-1987 recruits were to be in the same cadre and were to perform the same nature of work. ^{> so} Hence, to make a distinction between them in the matter of pay scale as well as to rank the pre 15-5-1987 entrants as junior to the later entrants by virtue of the distinction in the pay scale was discriminatory and arbitrary. In this O.A. a reference was made to the decisions ^{> of} to the Madras Bench of the C.A.T. in O.As No.322/1988 and 488/1987 in which the facts of the case were similar and the same order of 15-5-1987 had been challenged. The decision of the Madras Bench was to allow the applicants the benefit of revision of pay w.e.f. 15-5-87. The SLP filed against this decision of the Madras Bench was dismissed by the Supreme Court. The Principal Bench decided in the case of Shri P.L.Ojha ibid that they were in agreement with the judgment of the Madras Bench and adopted the same. The

S.L.P. filed against this decision of the Principal Bench has also been dismissed by the Supreme Court.

3- As the case of the applicants in the present O.A. is at par. with the case of Shri P.C.Ojha ibid and in the light of the judgment ^{> given} in this case we grant ^{> the} ~~them~~ relief sought by the applicants to give them the same benefits as have been given in the judgment in the ^{> case} ~~same~~ of Shri P.C.Ojha. The applicants are entitled to be granted the same scale of pay as that of the Apprentices recruited after 15-5-87 and are also entitled to fitment in the pay scale of Rs.1600-2660 from 15-5-87 with all consequential benefits. The application is allowed to this extent. This order shall be complied with within a period of four months from the date of service of the order.

4- There will be no order as to costs.

Usha Devi
MEMBER(A)

R.K. Sharma
VICE CHAIRMAN

DATED: Allahabad April/9/1994.

(IS PS)
