

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 14th day of September 1995.

Original Application no. 1167 of 1992.

Hon'ble Mr. T.L. Verma, Judicial Member
Hon'ble Mr. S. Dayal, Administrative Member.

1. Abdul Hamid, S/o Sri Kadir Bux, R/o 168 Railganj, Kholi no. 9, Jhansi.
2. Syed Ahmed, S/o District, Banda. R/o Railway Colony,
3. Sri Ram Swarup Chudoo.

All the applicants are working as Electrician Mistry/Semi Supervisor under the Senior Divisional Electrical Engineer, Jhansi.

... Applicants.

C/A Sri Anil Kumar.

Versus

1. Union of India through its Divisional Railway Manager (P), Central Railway Jhansi.
2. The Chief Personnel Officer (Electrical) Central Railway, Bombay V.T.

... Respondents.

C/R Sri G.P. Agarwal.

ORDER

Hon'ble Mr. S. Dayal, Member-A

This is an application under section 19 of the Administrative Tribunal Act, 1985. It seeks the following relief:-

- a. A direction to the respondents to pay to the applicants salary in the pay scale of Rs. 1400-

2300 with effect from 01.01.86 on the basis of the provision of the letter of the Railway Board dated 02.01.87 and pay arrears.

b. A direction to the respondents to inform the applicants of the basis of order communicated by C.P.O. Bombay dated 12.07.88 and C.P.O. Jhansi dated 13.01.79.

c. To quash the order dated 13.01.79.

d. A direction to the respondents to pay cost of the application to the applicants.

2. The ground for claiming relief are:-

a. The pay scale of Rs. 1400-2300 was rightly granted on the basis of letters of Railway Board dated 02.01.87.

b. No reason have been shown as to the ground on which the applicant's have been deprived of the benefit of pay scale of Rs. 1400-2300 (revised).

c. The post on which the applicants were working and had been paid in the scale of Rs. 1400-2300 and, thereafter, they were deprived of the same did not change.

d. The representation of the applicants against denial of pay scale of Rs. 1400-2300 have not been considered.

3. The applicants have enclosed a copy of the circular letter of the DRM New Delhi (Northern Railway) no. 759 (E)/6A/SLP/pay/P-7 dated 23.10.84 providing for entitlement to special pay of Rs. 35 to electricians and A.C. Mistry for being either incharge of maintenance gangs

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.....3/-

or supervising the highly skilled workers. The applicants have also submitted a copy of the judgement of the Central Administrative Tribunal, Bombay Bench, alongwith rejoinder in application no. 327/89 delivered on 15.06.94. The specific findings in the judgement are that there was hardly any distinction between Electrician and Mistry for the purpose of payment of special pay of Rs. 35 and also that electrician were supervising highly skilled workers. The applicants have also annexed a copy of the order of the Railway Board's letter no. PC IV/86/IMP/38 dated 02.01.87 which stipulates that the staff of lowest supervisory level of any department should be in the scale of Rs. 1400-40-1800-EV-50-2300 and it is specifically stated that this scale is to be given to Mistry. The respondents in their reply have stated that grade of Rs. 1400-2300 which was granted to Mistry and has not been granted to Electrician. The Electricians are not Mistris as they are not Semi Supervisory staff. They were wrongly given pay scale of Rs. 1400-2300 (revised), which was subsequently withdrawn by the Railways Board's letter dated 30.06.88, copy of which is stated to have been annexed to the reply but there is no annexure at all annexed to reply furnishing by the respondents. The respondents have further stated that the electrician is only entitled to a pay scale of Rs. 1320-2040 (revised).

4. The arguements of Sri Anil Kumar learned counsel for the applicant and Sri G.P. Agarwal learned counsel for the respondents were heard alongwith the arguments in O.A. no. 973 of 1991. A seperate judgement is being given in this case because the configuration of parties



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and relief asked for are different.

5. Annexure A-1 which is the letter of DRM (personnel branch), Jhansi no. PB/323/15/Ch/EL dated 13.01.89 states that Sri Abdul Hamid Mistry was in the scale of Rs. 1400-2300 because he was not Mistry but an Electrician. All that have been claimed in paragraph 4.XVI of the application is that the pay scale of Rs. 1400-2300 was granted to the applicant with effect from 01.01.86 and withdrawn vide letter dated 13.01.89 and it has been admitted by the respondents in para 13 of the reply that the scale of Rs. 1400-2300 were given to both electrician and mistry in Jhansi Division. No letter either granting or withdrawing the scale of Rs. 1400-2300 to applicant no. 2 or 3 has been annexed. However, in view of the admission of the respondents, it is taken that the other 2 applicants were also given the pay scale of Rs. 1400-2300 which was subsequently withdrawn.

6. The Judgement of Bombay Bench of Central Administrative Tribunal produced alongwith the rejoinder by the applicants, has specifically examined the question whether the electrician were mistries or not. The Bombay Bench of the Tribunal held that the persons working as Electricians will be treated as Mistries and that they were supervising Highly Skilled workers. Thus the requirement for granting of pay scale of Rs. 1400-2300 stipulated by Railway Board letter dated 02.01.87 are fulfilled by the applicant in this case. Hence they were entitled to the scale of Rs. 1400-2300.

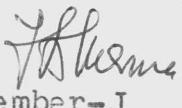
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7. In view of the above, order dated 13.01.89 placed at annexure, A-1 is quashed. The applicant shall be entitled to continue in the pay scale of Rs. 1400-2300 from the date of withdrawal and onwards. The arrears should be worked out and paid to the applicants within a period of three months from the date of communication of this order by the applicant to the respondents.

8.. There shall be no order as to costs.



Member-A



Member-J

/pc/