

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Original Application No. 181 of 1993

Nand Lal

... Petitioner

Versus

Union of India and Ors

... Respondents

HON'BLE MR. JUSTICE R.K. VARMA, V.C.

HON'BLE MISS. USHA SEN, MEMBER (A)

(By Hon. Mr. Justice R.K. Varma, V.C.)

By this petition filed Under Section 19 of the Administrative Tribunals Act 1985, the petitioner has sought direction to the respondents to grant to the petitioner pay scale of Rs.1600-2600 w.e.f. 15.5.87 with all other benefits.

2. The petitioner, after completion of the training of Commercial Apprentice, ~~he~~ was posted as Commercial Apprentice on pay scale of Rs.455-700/1400-2300(RPS) at Bikaner by order dated 10.4.85. Subsequently, by another order dated 12.6.85, the petitioner came to be posted at Allahabad on 19.6.85 under the Control of Respondent No.1 and he is presently working as Commercial Apprentice at Kanpur. The Railway Board vide its order dated 15.5.87 decided to provide pay scale of Rs.1600-2600(RPS) to those Commercial Apprentices who are selected and recruited after 15.5.87, but those Commercial Apprentices who were selected and recruited prior to 15.5.87 were to draw the old pay scale of Rs.455-700/1400-2300(RPS). This resulted in discrimination between the Commercial Apprentices selected prior to 15.5.87 and those selected and recruited after

15.5.87. Some of the aggrieved persons approached the C.A.T Madras Bench by petitions O.A No. 488/87 Michael E. Peters Vs. Union of India and Ors and O.A. No. 322/88 P.B. Samuel and Ors Vs. Union of India and Ors and the Madras Bench of the C.A.T allowed the applications and directed the respondents to grant pay scale of Rs.1600-2600 to those Apprentices also, who were selected and appointed as Commercial Apprentices prior to 15.5.87. A decision of the Madras Bench of the C.A.T was followed by this Bench also in O.A. No. 20/89(L) dated 7.1.91, N.A. Khan and Ors Vs. Union of India and Ors, O.A. No. 777/91 Rajesh Kumar Srivastava and Ors Vs. Union of India dated 4.10.91 and an S.L.P(Civil) no. 4195/92 filed against the said decision of this Bench dated 4.10.91 was dismissed by the order of the Supreme Court dated 10.3.92.

3. The learned counsel for the parties have placed reliance on a decision of this Bench dated 8.9.93 in O.A. 643/92 Ashok Kumar Gupta Vs. Union of India and Ors which also follows the decision made by the Madras Bench of the C.A.T. The relevant Para 11 of the said decision reads as follows:

" In the decision made by the Madras Bench of the Central Administrative Tribunal in the cases of Samuel & Ors (Supra) and Michael E. Peters (Supra) (O.A. Nos 322/88 and 488/87). The said Tribunal has considered that the scheme of recruitment of Traffic and Commercial Apprentices is the same scheme continued with certain modifications to fit into the revised pattern of restructured cadres. The requirement

of intensified broad based training in the new scheme for a period of two years instead of requirement of training for 3 years under the old scheme does not appear to make any significant difference so as to justify the difference in scales of pay of the Traffic and Commercial Apprentices under old and the new scheme, particularly when the Board's letter itself specifically exempts the earlier recruits from undergoing training again. The educational qualification for recruitment continues to be graduation as in the case of the earlier scheme. On a careful consideration of all these aspects, the Tribunal came to the conclusion that it will not be proper to treat the Traffic and Commercial Apprentices recruited prior to the issue of the Railway Board's letter dated 15.5.87 and those recruited after as belonging to 2 different categories and as such, the petitioners in the case of Samuel and Ors who had been Apprentices under old Scheme were held entitled to be given benefits of revision of pay and fitment on absorption as provided in the Railway Board's letter w.e.f. 15.5.87 with consequent monetary benefits without putting them to any final retention test. The decision of Madras Bench in the aforesaid two cases has been followed by this Bench in the earlier decisions named at the outset."

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4. Accordingly, placing reliance on the decision of the Madras Bench in the case of P.B. Samuel and ors(Supra) this petition is also allowed. The respondents are directed to fix the pay and allowances of the petitioner, in the revised pay scale of Rs.1600-2600 w.e.f. 15.5.87 and to give all arrears of pay and allowances and other consequential benefits accruing to the petitioner. The respondents are further directed to settle the payment of arrears of pay and allowances on the revised p scale of pay within a period of 3 months from the date of communication of this order.

5. There shall, however, be no order as to the costs.

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Member (A)

R.K. Varma
Vice Chairman

Dated: April, 17th, 1994

Uv/