

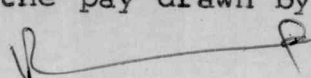
05-3-2002

Hon'ble Mr. Justice RRK Trivedi, V.C.

Hon'ble Maj Gen KK Srivastava, A.M.

By this MA No.5233 of 2001 the applicant has prayed to clarify the order dated 28-8-2000 passed in OA No.1193 of 1994 so that the applicant may be entitled to get annual increments and next higher grade etc. It is submitted that after 30-6-1992 till date the applicant is being paid salary at the same stage as it was provided in the punishment order dated 30-6-1992. In other words since then the applicant has not been paid either increments or higher grade. Learned counsel has placed before us the Circular of the Railway Board Nos.F(E)/57/FR-1/1 of 22-1-60 and Sl.No.SE36/60 and F(E)60/FR-1/2 of 21-12-60, ER Sl.No.4251, which provides guidelines while punishing an employee by reduction to lower stage in time scale as under:-

- (1) Reduction to a lower stage in a time scale.
 - (a) Every order imposing on an employee the penalty of reduction in a lower stage in his time scale should indicate-
 - (i) the date from which it will take effect and the period (in terms of years and months) for which the penalty shall be operative.
 - (ii) the stage in the time scale (in terms of rupees) to which the railway servant is reduced; and
 - (iii) the extent (in terms of years and months, if any) to which the period referred to at (i) above should operate to postpone future increments.It should be noted that reduction to a lower stage in time scale is not permissible under the rules either for an unspecified period or as a permanent measure. When a railway servant is reduced to a particular stage, his pay will remain constant at that stage for the entire period of reduction. The period to be specified under (iii) should in no case exceed the period specified under (i). (RB's No.F(E) 37/FR-1/1 of 22.1.60, Sl.No.ER3843/SE 56/60).
 - (b) Pay on the expiry of the period of reduction-
 - (i) If the order of reduction lays down that the period of reduction shall not operate to postpone future increments (or is silent on this point) the railway servant should be allowed the pay which he would have drawn in the normal course but for reduction. If the pay drawn by him immediately

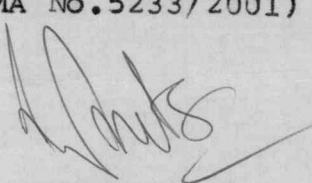
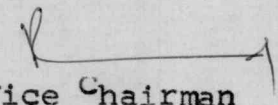


05-3-2002(Contd).

before reduction was below the efficiency bar, he should not be allowed to cross the bar unless he has passed E.B. test under normal rules.

(ii) If the order specifies that the period of reduction was to operate to postpone future increment for any specified period the pay of the railway servant shall be fixed in accordance with (i) above but after treating the period for which the increments were not to count for increment. (R.B.'s Nos.F(E)/57/FR-1/1 of 22.1.60, Sl.No.SE36/60 and F(F)60/FR-1/2 of 21-12-50, ER Sl.No.4251."

2. This Tribunal modified the order of punishment and in place of permanent, the word, 'cumulative' was substituted. The effect is that but for the amount for which the applicant was reduced to a lower stage, the applicant would be entitled for regular increments and higher grades for which he may be entitled under rules. The railway authorities shall look into this matter on the representation made by the applicant and rectify the grievance in the light of the Railway Board's Circulars mentioned above. The order shall be passed on the representation of the applicant within three months from the date a copy of this order is filed. The application (MA No.5233/2001) is disposed of accordingly.


Member (A)
Vice ChairmanDube/