

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 1st day of November 2001.

CORAM : HON. MR. RAFIQUDDIN, JM.

OA NO. 948 of 1995

1. Bhagirathi son of Sri Raghu Nandan at present posted as Keyman under permanent Way Inspector, Northern Railway, Phulpur, District Allahabad.

..... Applicant.

Counsel for applicant - Sri A. Dwivedi.

Versus

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern Railway, Lucknow Division, Lucknow.
3. The Assistant Engineer, Northern Railway, Prayag, (Allahabad).
4. The permanent Way Inspector, Northern Railway, Phulpur, District Allahabad.

..... Respondents.

Counsel for respondents - Sri P. Mathur.

O R D E R (ORAL)

(BY HON. MR. RAFIQUDDIN, JM)

This OA has been filed by the applicant for issuing directions to the respondents to fix their pay correctly and pay arrears of their salary with interest @ 24% per annum.

The applicant, at present, is working on the post of Keyman. He was appointed as a permanent Gangman w.e.f. 19.10.1963 and came to be promoted as Keyman in due course of his career. It is stated that Sri S. Guru Saran and Sri Ram Narain, who are working as Gangman, were appointed in the year 1968 and as such, are junior to him.

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The grievance of the applicant is that aforesaid junior persons are being paid Rs.1160/= as pay which is equal to the pay of the applicant. The applicant made representation on 6.12.1994 for correction of his pay but the same has been rejected without examining the records of the case. The copy of the rejection order has been annexed as Annexure A-III of this OA. It is claimed that as per rules, the pay of the applicant should be more than a junior and as such, the action of the respondents in not fixing his pay accordingly is arbitrary and illegal.

The respondents have contested the claim of the applicant by stating that the applicant was brought at par with S/Sri Guru Saran and Ram Narain as per the next below rules on 13.1.1994 hence no case of enhancement of his pay is made out.

Heard learned Counsel for the parties.

It is not disputed that the applicant is senior to S/Sri Guru Saran and Ram Narain. It is also not in dispute that the pay of the applicant as well as that of Sri Guru Saran and Ram Narain was fixed at Rs.1160/= w.e.f. 1.3.1994. The case of the respondent is that it was done as per the next below rules. The learned Counsel of the applicant, on the other hand, has contended that the next below rule is not applicable in the present case. The pay of the applicant should have been fixed independently taking into account of the past increments of the applicant till 1.3.1994.

Considering the nature of controversy involved in the present case, it is expedient that the case be remanded to the authorities concerned for re-examining ~~the matter~~ ²

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The same for fixation of pay of the applicant vis-a-vis to his juniors namely Guru Saran and Ram Narain. The OA is, therefore, disposed of with the direction to the respondents to re-examine the case of the applicant as per the extent rules in the light of the observations made in the order for fixation of his pay. In case, the claim of the applicant is rejected, the respondent will pass reasoned and speaking order. This exercise will be carried out within a period of three months from the date of receipt of this order. There will be no order as to cost.

Ravi Vaidya

J.M.

Asthana/