

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

ORIGINAL APPLICATION NUMBER 1346 OF 1999

ALLAHABAD, THIS THE 01ST DAY OF SEPTEMBER, 2003

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, VICE-CHAIRMAN
HON'BLE MR. D. R. TIWARI, MEMBER (A)

1. Abdul Kalam Ansari a/a 42 years,
son of Late Abdul Aziz
posted as Inspector, P.C.O.
N.E. Railway, Mechanical Workshop,
Gorakhpur.
2. Gorakh Ram son of Shri Sad-hu Ram,
Posted as Inspector, P.C.O.,
N.E. Railway, Mechanical Workshop,
Gorakhpur.
3. Pramod Kumar Gupta son of Late Kamla Pd. Gupta,
Posted as Inspector P.C.O. N.E. Railway,
Mechanical Workshop, Gorakhpur.
4. Mahendra Kumar son of Shri Banshraj Yadav,
Posted as Inspector in P.C.O. N.E. Railway,
Mechanical Workshop, Gorakhpur.
5. Ram Sawar Yadav son of Shri Shyam Lal Yadav
Posted as Inspector in P.C.O. N.E. Railway,
Mechanical Workshop, Gorakhpur.
6. Markandey Prasad Mishra son of Shri Sheo Poojan Mishra,
posted as Inspector in P.C.O. N.E. Railway, Mechanical,
workshop, Gorakhpur.
7. Suresh Prasad Singh son of Shri Sheo Nandan Singh,
posted as Inspector in P.C.O. N.E. Railway
Mechanical Workshop, Gorakhpur.
8. Ram Karan Kashyap son of Shri Shanker Lal, Posted as
Inspector in P.C.O. N.E. Railway, Mechanical Workshop
Gorakhpur.
9. Shekh Mohd. Shabbir son of Sheikh Waris Ali, Posted as
Inspector in P.C.O. N.E. Railway, Mechanical Workshop,
Gorakhpur.
10. Satendranath Mishra son of Shri J.P. Mishra Bosted as
Inspector in P.C.O. N.E. Railway, Mechanical Workshop,
Gorakhpur.



11. Harish Chandra son of Shri Sumali Ram Nirala,
Posted as Inspector in P.C.O. N.E. Railway, Mechanical
Workshop, Gorakhpur.
12. Razzaque son of Late Abdul Sattarⁿ Posted as Inspector
in P.C.O. N.E. Railway, Mechanical Workshop Gorakhpur.
13. Kapil Deo Mishra son of Late Bisher Misra Posted as
Inspector in P.C.O. N.E. Railway, Mechanical Workshop,
Gorakhpur.
14. Rameshwar Prasad son of Shri G. Prasad
Posted as Inspector in P.C.O. N.E. Railway Mechanical
Workshop Gorakhpur.
15. Ramesh Prasad Gupta son of Shri Binda Prasad, Posted
as Inspector in P.C.O. NE Railway, Mechanical Workshop,
Gorakhpur.
16. Arvind Kumar Singh son of Shri C.M. Singh Posted as
Inspector in P.C.O. N.E. Railway, Mechanical Workshop,
Gorakhpur.
17. Sheo Kumar Srivastava, son of Shri Sukhdeo Pd. Srivastava,
Posted as Inspector in B.C.O. NE Railway Mechanical
Workshop, Gorakhpur.
18. Shrish Pratap Singh son of Shri Bajrang PratapSingh
Posted as Inspector in PCO, NE Railway, Mechanical
Workshop, Gorakhpur.
19. Bachoo Prasad son of Shri Ram Pratap Prajapati
posted as Inspector in P.C.O. N.E. Railway Mechanical
Workshop, Gorakhpur.
20. Inder dep Yadav son of Gobardhan Yadav posted as Inspector
in P.C.O. N.E. Railway Mechanical Workshop,
Gorakhpur

.....Applicants

(By Advocate : Shri Sudhir Agarwal)

V E R S U S

1. Union of India through the Secretary
Ministry of Railways, New Delhi.
2. The General Manager/General Manager (P),
Northern Eastern Railway Gorakhpur.
3. The Chief Workshop Manager/Chief Workshop Manager (P)(Mech)
Workshop Northern Eastern Railway
Gorakhpur.



.....3/-

4. The Senior Divisional Personnel Officer,
Northern Eastern Railway,
Gorakhpur.
5. The Chairman Railway Board, Rail Bhawan,
New Delhi.

.....Respondents

(By Advocates : Shri V.K. Goel & Shri Lal Ji Sinha)

O R D E R

By Hon'ble Mr. Justice R.R. K Trivedi, Vice-Chairman

By this O.A. filed under section 19 of Administrative Tribunals Act, 1985, the applicants have prayed for a direction to respondents to place all the applicants in the pay-scale of Rs.1400-2300/- w.e.f. 01.01.1986 and/or from the date of their posting in Production Control Organisation(PCO), in view of the Railway Board's circular dated 09.02.1979(Annexure-4). They have also prayed to place the applicants in the pay-scale of Rs.5000-8000/- w.e.f. 01.01.1996 in view of the Railway Board's circular dated 09.02.1979 with all consequential benefits.

2. The facts, in short, giving rise to this case are that applicants were serving in various trades in the Shop Floor of N.E. Railway, Mechanical Workshop, Gorakhpur. They were initially appointed in the pay-scale of Rs.260-400/-, Subsequently they were promoted on the post of highly skilled Grade-II in the pay-scale of Rs.330-480/- and then on the post of highly skilled grade-I in the pay-scale of Rs.380-560/-.



The applicants were transferred on different dates as Inspector in the Inspection Shop of Production Control Organisation of N.E. Railway.

3. The grievance of the applicants is that they were entitled for the pay-scale of Rs.380-560/- from the date they were transferred to P.C.O. as provided in the order dated 09.02.1979 (Annexure-4). It has also been submitted by the applicants that for this purpose they ^{made} several representations to the respondents, ^{Vide} letter dated 30.01.1999, they were informed that their applications are addressed to the Chairman Railway Board, hence the applications have been forwarded to the said authority for action. It is submitted by the applicants that no relief was granted by the respondents, aggrieved by which they have filed the present O.A.

4. Resisting the claim of the applicants, respondents have filed Counter Affidavit wherein it is stated that the transfer of the applicants to P.C.O. is governed by the terms and conditions provided in the Railway Board's order dated 13.09.1984 (Annexure CA-I) which provided for payment of special pay for the staff posted in P.C.O. and by this order rate of special pay was enhanced from 10 to 15 percent. It is also submitted that the effect of the order dated 13.09.1984 was that the order dated 09.02.1979 ^{stood superceded} ~~is to be~~ and applicants are not entitled for the relief as claimed.

5. We have carefully considered the submissions made by counsel for the parties.

* "Accordingly, the Ministry of Railways desire that an immediate review of such of the posts in the inspection wing of the production Control Organisation as are connected with the inspection of the finished jobs of the skilled artisan staff may be undertaken and depending upon the relative worth of charge they may be placed in the scale of pay not lower than that of highly skilled Grade I i.e. Rs. 380-560 (RS)."

Corrected vide order of date
passed on Misc Correction
application dated 26/9/03.

Regd
vq
11/12/03

6. Before coming to the controversy, it is necessary to examine the Railway Board's order dated 09.02.1979 (Annexure-4). From perusal of the aforesaid order, it appears that the Railway Board considered the pay-scale of staff engaged in Inspection Wing of Production Control Organisation, as they perform the supervisory work, ^{it} became necessary to examine their pay-scale, as some of the workers who were working in the Shop Floor were ^{P.C.O. employees conducting inspection work,} drawing more salary than ^{applicants} and it ~~is~~ created an anomalous position for them. The correct position can be ascertain from the letter. Relevant portion of which is being reproduced below:-

"Inspecting staff being in the same grade as artisans whose job is being inspected was accepted. It was agreed that the post of Inspectors in the Production Control Organisation should not be in a grade lower than the highly skilled grade-I and they would be outside the percentage of posts in the various trades on the shop floor."

7. For the aforesaid reason in para-2 it was provided that the pay-scale of the Inspector in Production Control Organisation shall not be less than to Rs.380-560/-. The relevant portion is being reproduced below:-

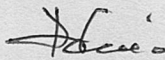
← *From the aforesaid order of the Railway Board, it is clear that they wanted to review the pay-scale paid to the Inspectors. It has nothing todo with the special pay which was payable to them under the earlier order dated 09.08.1978. There is nothing in the order dated 13.09.1984 by which it may be inferred that the railway board order dated 09.02.1979 was superceded.

8. In the circumstances, in our opinion, the applicants ^{or} were entitled to the relief to the extent that if they satisfied the conditions provided in para-II mentioned above, they will



be entitled for the pay-scale of Rs.380-560/-. So far as the pay-scale claimed from 01.01.1986 and 01.01.1996 is concerned, it will depend as to whether they will be entitled for the scale from the relevant dates which shall be separately examined by the authorities concerned. The applicants have provided a chart in para-4 of the O.A., from perusal of which, it appears that out of 20 majority of the applicants were already drawing the pay-scale of Rs.380-560/- ^{if they} as they were posted in PCD, ^u ⁹⁸ ~~before~~ ^u they were ^{already} promoted to high skilled artison grade-I.

9. The O.A. is accordingly disposed of finally with direction to respondent Nos.2 & 3 to consider the case of each applicants ^u and if they are found ^{entitled for} the scale provided in Railway Board order dated 09.02.1979, difference shall be paid to them with consequential revision of pay. As the claim of the applicants is very old, necessary orders shall be passed within 6 months from the date of receipt of a copy of this order. No order as to costs.


MEMBER (A)


VICE-CHAIRMAN

shukla/-