

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,

ALLAHABAD.

ORIGINAL APPLICATION NO. 928 OF 2003

THIS THE 16th DAY OF MARCH, 2005.

HON'BLE MR. JUSTICE S.R. SINGH, VICE CHAIRMAN

HON'BLE MR. D.R. TIWARI, MEMBER(A)

1. Sushil Kumar Jaiswal,  
S/o late Ram Kumar Jaiswal,  
R/o Rambagh, Jatepur North,  
Gorakhpur.
2. Vijay Kumar Srivastava,  
S/o late G.N. Srivastava,  
Shastri Nagar, Betia Hata,  
Gorakhpur.
3. Ved Prakash Sharma,  
S/o late Vugal K. Shastri,]  
Medical Railway Colony,  
Quarter no. 257/B,  
N.E. Railway, Gorakhpur.
4. Ashok Kumar,  
S/o Sri Satya Prakash,  
557/L, Bichia Railway Colony,  
Gorakhpur.
5. Chandra Prakash Chauhah,  
224-A, Railway Stadium Colony,  
Gorakhpur.
6. Rajendra Singh,  
S/o Sri Virendra Singh,  
Shivala Nagar,  
Moidipur,  
Gorakhpur.
7. Suresh Tiwari,  
S/o Sri Ram Janam Tiwari,  
Ram Janaki Nagar,  
'A' Block, Gorakhpur.

.....Applicants.

By Advocate: Sri S.K. Om

Versus

1. Union of India, through Secretary, Railway  
Board, Rail Bhawan, New Delhi.
2. General Manager, North Eastern Railway,  
Gorakhpur.
3. Chief Personnel Officer, N.E. Railway,  
Gorakhpur.

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4. Chief Public Relation Officer, N.E. Railway,  
Gorakhpur. .... Respondents.

By Advocate: Sri D.C. Saxena

O R D E R ( O R A L )

JUSTICE S.R. SINGH, V.C.

Heard the learned counsel for the parties and  
perused the pleadings.

2. The applicants <sup>who r</sup> were working as Publicity Inspectors and Senior Publicity Inspectors under North Eastern Railway have instituted this O.A. for quashing the order dated June, 2001 (Annexure-4) issued by the Railway Board, communicating draft minutes of 7<sup>th</sup> meeting of Departmental Anomalies Committee held on 3.5.2001 for perusal and concurrence of All India Railway men's Federation, 4, State Entry Road, New Delhi and National Federation of Indian Railway men, 3, Chelmsford Road, New Delhi and for issuance of a direction in the nature of mandamus commanding the respondents to enhance the pay scale of Publicity Inspectors and Senior Publicity Inspectors from Rs. 4500-7000/- to Rs. 5000-8000/- and from Rs. 5000-8000/- to Rs. 5500-9000/- respectively w.e.f. 1.1.1996. The benefit of arrears of salary together interest @ 12% per annum has also been claimed.

3. It appears that Publicity Inspectors and Senior Publicity Inspectors staked their claim for

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enhancement of their scale of pay from Rs. 4500-7000 to Rs. 5000-8000/- and from Rs. 5000-8000/- and to Rs. 5500-9000/- w.e.f. 1.1.1996. The matter appears to be referred to the Departmental Anomalies Committee. The case of the applicants as set out before the Anomalies Committee was that the requisite qualification for filling up the posts of Publicity Inspectors in IV CPC scale of Rs. 1400-2300 was graduation with degree in Mass Communication and /or diploma in Public Relation and advertising. They claim parity with the pay scales allotted to similarly placed Inspectors like Welfare Inspector, Personal Inspector, Commercial Inspector etc. The relevant portion of the draft minutes of 7<sup>th</sup> Meeting of Departmental Anomalies Committed held on 3.5.2001 are as under:-

"In case of Publicity Inspectors, it was pointed out that in terms of extant orders of the Railway Board, posts of Publicity Inspectors in the scale of Rs. 4500-7000/- are filled up on the basis of Limited Departmental Competitive Examination from amongst Graduate Railway employees working in Group 'C'. Since there is no provision of direct recruitment of Graduates in the recruitment rules, demand for improvement in pay scales is not justified. The staff side mentioned that direct recruitment of Publicity Inspectors exists in Northern and South Central Railway. It was agreed that the position will be checked up from these Railways."

4. It is noticed that item wise discussion in the draft minutes of 7<sup>th</sup> meeting of Departmental Anomalies Committee held on 3.5.2003 were sent to the General Secretary, All India Railway men's Federation and the General Secretary, National

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Federation of Indian Railway men for their perusal and concurrence soliciting a reply concurring the draft minutes. The submission made by the learned counsel appearing for the applicants is that in certain departments performing similar duties, the pay scale demanded by the applicants, have been given even though there was no element of direct recruitment in those departments and, therefore, the Anomalies Committee, it is submitted by the learned counsel, was not justified in not recommending the pay scale demanded by the applicant and in holding that the applicant's demand was not justified on the ground that there was no provision of direct recruitment. However, the Anomalies Committee has noted the contention of the staff side that direct recruitment of Publicity Inspectors exists in Northern and South Central Railway and this position was required to be checked up from those Railways. In the circumstances, the Railway Board, in our view, has to take the final decision in the matter. The order sought to be quashed herein is not an order, but only a letter communicating the draft minutes of 7<sup>th</sup> meeting of Departmental Anomalies Committee held on 3.5.2003 to the General Secretary of the concerned Unions for perusal and their concurrence. It is submitted by the learned counsel appearing for the applicants that the applicants have already preferred their representations/objections vide Annexure A-6 dated 5.7.2002 against

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the draft minutes of 7<sup>th</sup> Departmental Anomalies Committee, which is still pending for consideration.

5. Accordingly, the O.A. stands disposed of finally with a direction to the Railway Board that while taking a final decision in respect of Publicity Inspectors and Senior Publicity Inspectors on the report of Departmental Anomalies Committee held on 3.5.2001, the representation of the applicants shall also be considered, if the decision has not already taken, within a period of four months from the date of receipt of copy of this order along with a copy of the representation Annexure-6. No costs.

  
MEMBER-A

  
VICE CHAIRMAN

GIRISH/-