

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A.NO. 433/92
~~T.A.NO.~~

DATE OF DECISION 03.11.1998

Shri V.G. Karelia Petitioner

Mr. B.B. Gogia Advocate for the Petitioner [s]
Versus

Union of India & Others Respondent

Mr. N.S. Shevde Advocate for the Respondent [s]

CORAM

The Hon'ble Mr. V. Ramakrishnan, Vice Chairman

The Hon'ble Mr. P.C. Kannan, Member (J)

JUDGMENT

- 1, Whether Reporters of Local papers may be allowed to see the Judgment ? ~
- 2, To be referred to the Reporter or not ? ~
- 3, Whether their Lordships wish to see the fair copy of the Judgment ?
- 4, Whether it needs to be circulated to other Benches of the Tribunal ? ~

Vrajlal Govindbhai Karelia,
Add: Working as Fitter
Grade - I Under Carriage &
Wagon Supdt.,
Western Railway,
Sabarmati (M.G.),
AHMEDABAD

... Applicant

(Advocate: Mr. B.B. Gogia)

VERSUS

1. Union of India,
Owning & Representing
Western Railway,
Through: General Manager,
Western Railway,
Churchgate,
BOMBAY.
2. Divisional Railway Manager,
Western Railway,
RAJKOT.
3. Shri Lala Deva,
- 4.. Prataprai P. Bhatt
5. Chiman Mohan
6. Shivrul Lalji
7. Laxmanji C.
8. Pravinchandra J.
Address of All:-
Working as Fitter Grade-I,
Under Carriage & Wagon Supdt.,
Western Railway,
Sabarmati (MG),
AHMEDABAD

... Respondents

(Advocate: Mr. N.S. Shevde)

ORAL ORDER

O.A./433/92

Dated: 03.11.1998


Per: Hon'ble Mr. V. Ramakrishnan, Vice Chairman


We have heard Mr. Gogia for the applicant and Mr. Shevde for the Railway Administration.

2. The applicant has prayed for a direction that he should be declared senior to the respondents 3 to 8 in the cadre of Fitter Grade III and that he should be given consequential benefits. Mr. Gogia says that the consequential benefits would include his enhancement of pay keeping in view the service rendered by him as Fitter Grade III.
3. The respondents have taken the line that the seniority list of Fitter Grade III was published at various times and the applicant had not submitted his objection in time. Mr. Shevde submits that it is now well-established that the matters pertaining to seniority cannot be agitated after lapse of considerable time.
4. Mr. Gogia now states that the applicant would confine himself to the relief for enhancement of pay for the service rendered by him in the semi-skilled category. Mr. Gogia further refers to the reply statement of the railways where there is an averment that the applicant was permitted to officiate as Fitter in the relevant scale. He says that service in the corresponding scale should be taken into account for the purpose of fixation of pay on his regular promotion as Fitter. Mr. Shevde for the Railways states

that the applicant had earlier worked on an ad-hoc basis as Fitter and, according to him, on his regular promotion his pay would have been fixed as per the rules. He however is not able to confirm specifically that the service rendered by him in the corresponding scale has been taken into account while fixing his pay in the ~~lower~~ ⁿ scale. In the facts and circumstances, we direct the railway administration to re-examine the pay fixation of the applicant and in particular they will consider whether the benefit of service even on ad-hoc basis rendered by the applicant in the equivalent/identical scale had been taken into account while fixing his pay on his regular promotion as Fitter Grade III and if there is any lacuna the same should be rectified. The Railways shall take further action in accordance with the relevant rules and instructions governing pay fixation in the event of service rendered on identical/equivalent scale. To facilitate this process, the applicant is also at liberty to furnish a detailed representation setting forth his views and highlighting the service rendered by him at various dates which, according to him, would entitle him for fixation of higher pay on his regular promotion as Fitter Grade III. The entire exercise in this regard should be completed within three months from the date of receipt of a copy of this order.

5. With the above directions, the OA is finally disposed of. No costs.


(P.C. KANNAN)
MEMBER(J)


(V. RAMAKRISHNAN)
VICE CHAIRMAN