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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 132 OF 1996
Cuttack this the 10th day of August/2000

...
Sahani

...

Applicant(s)

-VERSUS-

Union of India & Others

...

Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? Yes
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? No

(G. NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
10/8/2000

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 132 OF 1996
Cuttack this the 10th day of August/2000

CORAM:

THE HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN
AND
THE HON'BLE SHRI G.NARASIMHAM, MEMBER (JUDICIAL)

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Sri Pramoda Kumar Sahani
S/o. Laxman Sahani
At/PO: Kudiary, PS: Jatni
Dist : Khurda

...

Applicant

By the Advocates:

Mr. P.C.Mohapatra

-VERSUS-

1. Union of India represented through
General Manager, South Eastern Railway
Garden Reach,
Calcutta
2. Divisional Personnel Officer,
S.E.Railway, Khurda Road,
At/PO: Jatni
Dist: Khurda

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Respondents

S. Vom

By the Advocates:

Ms.C. Kasturi
Mr.A.K. Sethy

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O R D E R

MR .SOMNATH SOM, VICE-CHAIRMAN: In this Application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner has prayed for direction to Respondents to give him scale of pay Rs.1400/- instead of Rs.1310/- from the date of joining. His second prayer is for direction to respondents to protect his pay.

Respondents have filed their counter opposing the prayer of the applicant. For the purpose of considering this Application it is not necessary to go into too many facts of this case. The admitted position is that applicant was initially appointed on 20.10.1987 as Assistant Station Master in the scale of Rs.1200-2040/- in Waltair. While working as such he was promoted to the scale of Rs.1400-2300/- in the year 1991 on regular basis. This has been mentioned by the respondents in Para-5 of the counter. Thereafter the applicant applied for Inter-divisional transfer from Waltair to Khurda Road at his own request in the lower grade. Accordingly on his coming to Khurda Road his pay was fixed in the lower scale Rs.1200-2040/-. The grievance of the petitioner is that while fixing his pay in the scale of Rs.1200-2040/- pay drawn by him in the scale of Rs.1400-2300/- in Waltair has not been protected. Neither the applicant nor the respondents have made any specific averment as to what was the basic pay in the scale Rs.1400-2300/- which the applicant was drawing in the Waltair Division before he came to Khurda Road Division. Applicant has stated in the prayer portion of the petition that his pay should be fixed at Rs.1440/- instead of Rs.1310/-. He has also stated that pay as mentioned in the L.P.C. issued by the Waltair Division should be protected. But copy of the L.P.C. has not been annexed to the Original Application.

2. We have heard Ms.C.Kasturi, learned Addl .Standing

Counsel appearing for the Respondents and also perused the records. In Para-10 (Page-4) of the counter respondents have made the following averments :-

"... In pursuance of guidelines contained in Annex R/3 a stand has been taken after examining the records, the erstwhile pay shall be protected in the scale of Rs.1200-2040/- by way of allowing personal pay which will be absorbed in future increments. In this case, the pay has already been fixed correctly, the difference of pay shall only be allowed as personal pay".

From the above it is seen that respondents have already decided to protect the pay of the applicant by fixing his pay at Rs.1310/- by allowing difference as personal pay. In view of this it is clear that pay of the applicant at which he was drawing at Waltair Division has been protected by the respondents in the lower scale of Rs.1200-2040/- by fixing it at the level in which it has been fixed by allowing difference between erstwhile pay in the Waltair Division as personal pay. This is strictly in accordance with rules. Thus it is clear that respondents have effectively allowed the prayer of the applicant. It has also been mentioned in the counter ~~It is to be noted~~ that such personal pay under the rules is to be absorbed against future increments. In this view of the matter, Original Application is disposed of with a direction to respondents that if action as per averment made in Para-10 of the counter, as extracted by us above, has not been taken so far then the same should be done within a period of 60(Sixty) days from the date of receipt of this order. No order as to costs.

(G.NARASIMHAM)
MEMBER (JUDICIAL)

SOMNATH SOM
VICE-CHAIRMAN

B.K.SAHOO//