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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 02 OF 2001

Cuttack this the 20th day of May, 2004

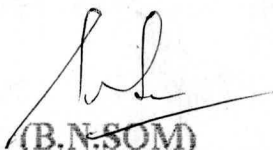
Ajaya Kumar Nayak ... Applicant(s)

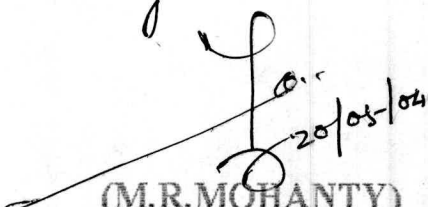
-VERSUS-

Union of India & Ors. ... 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 ? *yes*


(B.N. SOM)
VICE-CHAIRMAN


(M.R. MOHANTY)
MEMBER(JUDICIAL)

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Cuttack this the 20th day of May, 2004

CORAM:

THE HON'BLE MR. B.N.SOM, VICE-CHAIRMAN
AND
THE HON'BLE MR. M.R. MOHANTY, MEMBER (JUDICIAL)

...

Ajaya Kumar Nayak, aged about 43 years, Son of Madhusudan Nayak, resident of Village-Budang, PO-Dolasahi, P.S. Tihidi, District-Bhadrak – at present serving as Station Master, Manjuri Road under Khurda Division

...Applicant

By the Advocates : M/s.R.K.Patnaik
S.Puspalok

-VERSUS-

1. Union of India represented through the General Manager, South Eastern Railways, Garden Reach, Calcutta, West Bengal
2. Divisional Personal Officer, South Eastern Railways, Khurda Road, At/PO-Jatni, District-Khurda
3. Bijay Kumar Dwibedi, aged about 37 years, Son of Nilamani Dwibedi, resident of Talakusuma, PO-Patkura, District-Kendrapara at present serving as Assistant Station Master, Paradeep Railway Station, Paradeep, Dist-Jagatsinghpur



4. Braja Kishore Parida, at present serving as Assistant Station Master, Korai Station, At/PO-Korai, Dist-Jaipur
... Respondents

By the Advocates : Mr.D.N.Mishra

ORDER

MR.M.R.MOHANTY, MEMBER(JUDICIAL): Applicant (Shri Ajaya Kumar Nayak) who is working as Station Master at Manjari Road at Khurda Road Division, (under the East Coast Railways) has filed this Original Application under Section 19 of the A.T.Act, 1985, being aggrieved by the order under Annexure-A/2 dated 20.09.2000 (issued by the Sr.Divisional Personnel Officer of Khurda Road Railway Division), by virtue of which his prayer for stepping up of pay (at par with Respondent No.3) was rejected. He has prayed for the following relief :

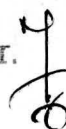
- "a) The order dated 20.9.2000 passed by the Senior Divisional Personal Officer, Khurda Division, rejecting the prayer of the applicant for stepping up of pay at par with the Respondent No.3 may be quashed.
- b) The respondents may be directed to fix the basic pay of the applicant at Rs.6200/- instead of Rs.5750/- and accordingly the current salary of the applicant may be duly calculated and it may be accordingly disbursed in favour of the applicant.
- c) That the respondents may be directed to pay the arrear differential pay of the applicant fixing his basic scale of pay at Rs.6200/- from the date, Respondent No.3 is getting that scale".



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2. The facts of the case being plain and simple it is not necessary to go into the entire details of the case. It would be suffice to note that both the Applicant and Res. No.3 were initially appointed as Assistant Station Master (in short A.S.M.) in the scale of Rs.330-560/Rs.1200-2040/- with effect from 15.12.1981 and 18.12.1981 respectively. While the Applicant was posted to Bilaspur Division; Respondent No.3 was posted to Nagpur Division. Both of them were also promoted to the grade of Station Master in the pay scale of Rs.425-640/Rs.1400-2300/- with effect from 3.7.1989 and 1.08.1983, respectively in their respective Divisions. Both of them sought for inter-divisional transfer to Khurda Road; which was allowed. In view of the guidelines governing inter-divisional transfer, both of them joined Khurda Road after being reverted to the post of A.S.M. While the Applicant joined Khurda Road Division on 06.06.1991, the Respondent No.3 on 28.01.1992. It is the case of the Applicant that since Respondent No.3 joined Khurda Road Division later than him, he (Respondent No.3) stands junior to him in the Khurda Road Division and that, therefore, the junior should not be allowed to draw higher pay than his senior.



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3. In their counter, the Respondents-Railways have provided a comparative chart showing the details in respect of the Applicant vis-à-vis- Respondent Nos.3, 4 and one Shri R.N.Bhol, giving details of the dates of their appointment as A.S.M. under various Railway Divisions till the date of their inter-divisional transfer to Khurda Road, along with their promotion to S.M. in Khurda Road Division and the pay drawn by them as on 01.02.2003 and 01.07.2003. The pay drawn by the Respondents in various stages in Khurda Road Division, (i.e., pay fixation after inter-Divisional transfer, after being reverted to A.S.M.), promotion to the grade of S.M. in Khurda Road Division as well as the pay fixation in line with the recommendations of the Pay Commissions.

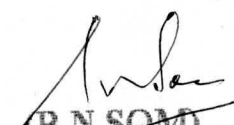
4. The details furnished in the counter have not been disputed or controverted by the Applicant in the rejoinder filed by him. What else he wants is that he being senior to Res.3 and 4 in the seniority list, his pay should be stepped up at par with his juniors. This plea of the Applicant is irrational, impertinent and incompatible; inasmuch as (i) while the applicant and others joined Khurda Road Division on inter-Divisional transfer, although they are borne in the same cadre, the last pay drawn by each of them was not one and the same, (ii) the pay of each of the incumbents, on inter-divisional transfer, is to be fixed in the lower/reverted

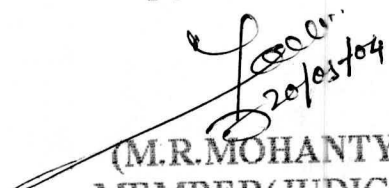
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grade having due regard to the last pay drawn by him in the higher grade, and (iii) by the implication of rules governing inter-divisional transfer, the Respondent Nos.3 and 4 and Mr.Bhol are junior to the applicant in the Khurda Road Division. The apprehension of the applicant that he being senior to Respondent Nos. 3 and 4 and Mr. Bhol, should draw pay at par with them, is thus, misconceived. In this view of the matter, we find no merit in the Original Application which is accordingly dismissed. No costs.


(B.N.SOM)
VICE-CHAIRMAN


(M.R.MOHANTY)
MEMBER(JUDICIAL)