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O. A. No. 9/2001

Order dated 15-3-2004.

Applicant while working as Assistant Station Master in the scale of Rs. 1400-2300/- in Nagpur Division of the Railways, opted for inter divisional transfer to Khurda Division at lower grade i.e. in the scale of Rs. 1200-2040/- with other terms and conditions. His request having been allowed by the Respondents he joined in Khurda Division at lower grade. While he was working at Nagpur Division, he was drawing Rs. 1560/- as his basic pay in the scale of Rs. 1400-2300/- and after his joining at Khurda Division, his pay was reduced to Rs. 1400/- in the scale of Rs. 1200-2040/-. Hence, by filing the present Original Application under section 19 of the Administrative Tribunals Act, 1985, he has challenged such action of the Respondents with a prayer to grant him the pay protection.

Respondents by filing counter opposed the stand taken by the applicant in his Original Application. It has been averred by the Respondents that as per the extent rules, since the applicant's transfer was acceded to on his own request, on certain terms and conditions, he is not entitled to pay protection.

Having heard learned counsel for the both sides, we have perused the materials placed on record.


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It is needless for us to go into the merits of this case in detail; because in deciding the same and similar issues in O.A.No.228/2000 disposed of on 15.3.2004 & O.A.No.214/1999 dt.15.3.2004, this Bench of the Tribunal have already directed the Respondents to review the matter of pay fixation of the applicant therein, in terms of the Railway Board's letter No.F(E)/II/91/Misc./2 dated 20.8.1999 produced by the Respondents. We find no substantiating reason to deviate from the view already taken therein. We, therefore, direct the Respondents to review the pay fixation of the Applicant in the light of the Railway Board's letter No.F(E)/II/91/Misc./2 dt. 20.8.1999 and grant the necessary relief to the Applicant within a period of 120 days from the date of receipt of a copy of this order. Our order in this Original Application is also governed by the decision of this Tribunal in O.A. No.712/1994 dated 3.4.1996; which relied on the decision of the Hyderabad Bench of this Tribunal rendered in OA No.1252 of 1994 dated 14.11.1994 and Ernakulam Bench of this Tribunal in OA Nos.333-400/1992 dated 26.2.1993.

In the result, this Original Application is disposed of in the aforestated terms. No costs.


(MANORANJAN MOHANTY)
MEMBER (JUDL.)


(B. N. SOM)
VICE-CHAIRMAN