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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.


O.A.NO. 722 of 2006

Cuttack, this the 13th day of August, 2008

Nrusingha Sahu Applicants
Versus
Union of India & Ors. Respondents

1. Whether it be referred to the reporters or not?
2. Whether it be circulated to all the Benches of the Tribunal?


(JUSTICE K. THANKAPPAN)
MEMBER (JUDICIAL)


(C.R. MOHAPATRA)
MEMBER (ADMN.)

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

O.A.NO. 722 of 2006

Cuttack, this the 13th day of August, 2008

C O R A M:

THE HON'BLE MR.JUSTICE K.THANKAPPAN, MEMBER (J)
A N D
THE HON'BLE MR.C.R.MOHAPATRA, MEMBER (A)

Nrusingha Sahu, aged about 65 years, Son of Natha, Retd. Head Trolleyman under Dy.CE/D-II/BBS/S.E.Rly., permanent resident of Village Sathuapatna, PO. Marijitapur, PS. Dharmasala, Dist. Jajpur

.....Applicant

By legal practitioner: M/s.N.R.Routray, S. Mishra, Counsel.

-Versus-

1. Union of India represented through its General Manager, East Coast Railway, Railway Vihar, Chandrasekharapur, Bhubaneswar, Dist. Khurda.
2. Senior Personnel Officer (Con.), East Coast Railway, Rail Vihar, Chandrasekharapur, Bhubaneswar, Dist.Khurda.
3. Chief Administrative Officer (Con.) East Coast Railway, Rail Vihar, Chandrasekharapur, Bhubaneswar, Dist. Khurda.
4. FA & CAO (Con.), East Coast Railway, Rail Vihar, Chandasekharapur, Bhubaneswar, Dist. Khurda.
5. Dy. Chief Engineer/D-II (Con.) East Coast Railway, Station Bazar, Cuttck.

.....Respondents

By legal practitioner: Mr. P.C.Panda, Counsel.

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ORDER

MR. C.R. MOHAPATRA, MEMBER (ADMN.):

Applicant while working in the Railway as Head Trolley Man retired from service w.e.f. 31.05.2001. He was in the scale of Rs.800-1150/- revised to 2650-4000/-. According to him on the basis of the recommendation of the 5th pay commission the scale of pay of Head trolley man was Rs.825-1200/- which was revised to Rs.2750-4400/-. His grievance is that though similarly situated employees were given such benefits of the revised scale of pay, he was discriminated and his representation was also rejected without due application of mind vide order dated 30.09.2006/04.10.2006 under Annexure-A/10. Hence, being aggrieved by such action of the Respondents, he has approached this Tribunal in the present OA.

- “(a) To quash the impugned order of rejection dated 30.09.2006/04.10.2006 under Annexure-A/10;
- (b) To direct the Respondents to re-fix his scale of pay in the scale of pay of Rs.825-1200/- instead of Rs.800-1150/- from 1.1.1986 to 31.12.1995 and in the scale of pay of Rs.2750-4400/- instead of Rs.2650-4000/- w.e.f. 1.1.1996 to 31.5.2001;]

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(c) And direct the Respondents to pay the differential arrears of retirement and pensionary benefits such as pension, commutation, DCRG and Leave salary in the scale of pay of Rs.2750-4400/-;

And pass any other appropriate order as deems proper and fit in the interest of justice."

2. Respondents in their counter have stated that neither was any irregularity/illegality committed in the matter of extension of the scale of pay in favour of the applicant nor was there any discrimination. It has been stated that as per the orders of this Tribunal dated 26.05.1995 in OA No. 656/95, scale of pay of Rs.950-1500/- was extended only in favour of Bridge Khalasis w.e.f. 1.1.1986. Applicant was not a Bridge Khalasi and, therefore, there was no discrimination in the matter of extension of the benefit of scale of pay. It has further been averred by the Respondents that services of Applicant were regularized against PCR Group D post w.e.f. 1. 4. 1984 in the scale of Rs.196-232/- revised to Rs.750/940 and he was allowed to continue as Head Trolley man in the scale of Rs.210-290/- revised to Rs.800-1150/- against PCR Hd T.Man post w.e.f. 1.4.198. As the Head trolley man post was created in the scale of Rs.800-1150/- vide order dated 26.5.1988 the applicant was granted the said

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scale w.e.f. 1.4.1986. The scale of Rs.800-1150/- was subsequently revised to Rs.2650-4000/- w.e.f. 1.1.1996 on the recommendation of the 5th Pay Commission and the same was allowed to the applicant till his retirement.

3. The above stand of the Respondents has not been controverted by filing any rejoinder. Learned Counsel for the Applicant has also not controverted the fact given in the counter by the Respondents.

4. In this view of the matter, question of grant of the scale of pay as claimed by the Applicant in this OA does not arise. Hence, the OA stands dismissed. No costs.

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(JUSTICE K. THANKAPPAN)
MEMBER (JUDICIAL)

h. r. Mohapatra
(C.R. MOHAPATRA)
MEMBER (ADMN.)