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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR

O.A. No. 183/99

Date of order: 15.01.2002

Mewa Singh son of Shri Ram Charan Singh, aged about 42 years, resident of C/o IOW (C-II) Luni Distt. Jodhpur, Northern Railway, at present employed on the post of IOW Gd.II, in the office of Dy. Chief Engineer (C-II), Northern Railway, Jodhpur.

...Applicant.

V E R S U S

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. General Manager, North East Frontier Railway, Malimgaan, Gauhati, Assam.
3. Chief Administrative Officer (Construction), Northern Railway, Kashmiri Gate, Delhi.

...Respondents.

Mr. J.K. Kaushik, Counsel for the applicant.

Mr. Kamal Dave, Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice O.P. Garg, Vice Chairman.

Hon'ble Mr. A.P. Nagrath, Administrative Member.

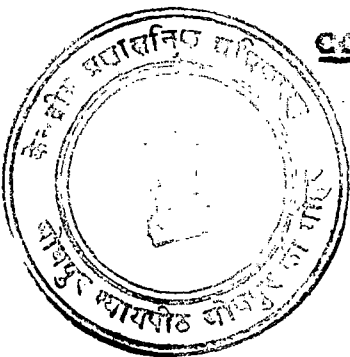
O R D E R

(Per Hon'ble Mr. A.P. Nagrath, Adm. Member)

Case of the applicant is that he is an employee of North East Frontier (NE) Railway. He belongs to the cadre of IOW. While working as IOW Grade-III On NE Railway he came to be posted to Rail Coach Factory (RCF), Kapurthala in the Grade of Rs. 1600-2660. Further he was promoted to the post of IOW Grade-I in RCF in the scale of Rs. 2000-3200 w.e.f. 18.08.1987. Later, he was transferred to work on Northern Railway on the post of IOW Grade-II in the pay

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scale of Rs. 1600-2660 vide order dated 29.8.96 (Annex. A/1), under the Dy. Chief Engineer / C-II. In this post, his pay has been fixed at Rs. 1900 while at the time of his transfer from RCF he was drawing a pay of Rs. 2450. By filing this O.A., the applicant seeks protection of his pay at Rs. 2450 on his posting in Northern Railway in grade of Rs. 1600-2660.

2. We have heard the learned counsel on either side. The learned counsel for the applicant submits that the pay protection is regulated by the order dated 15.6.73 (Annex.A/6), which benefit has been denied to the applicant. Reading of this letter clearly indicates that prior to the issue of this order, the pay fixation was governed by order dated 20 May, 61. As per earlier policy, when an employee was reverted from ex-cadre post to the cadre post his pay in the parent cadre was determined with reference to pay drawn in the ex-cadre post. After issuance of this order dated 15.6.73, the policy has been revised and it has now been laid down that it is not permissible to fix pay in a cadre post on the basis of pay in the ex-cadre post but the same is strictly to be refixed with reference to the pay in the lower grade post in the parent cadre. In view of this clear policy statement, the applicant has no case. His pay in the grade of Rs 1600-2660 on Northern Railway has been correctly fixed with reference to his pay in the parent cadre.

3. This application is therefore dismissed as having no merits. No order as to costs.


(A.P. Nagrath)
Adm. Member


(Justice O.P. Garg)
Vice Chairman

Received
JACAN
18/1/2002

Recd
Vancein
22/1/02

Part II and III destroyed
in my presence on 20.6.07
under the supervision of
section officer (I) as per
order dated 14.1.02

Section officer (Record)