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CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH, JODHPUR

**O.A. No. 309/2011**

Jodhpur this the 22<sup>nd</sup> day of March, 2013.

**CORAM**

**Hon'ble Mr. Justice Kailash Chandra Joshi, Member (J)**

**Hon'ble Ms Meenakshi Hooja, Member (A)**

J B Singh S/o Late Shri M P Singh, aged about 61 years, resident of Plot No. 12, Flat No. 102, Behind sodani Sweets, Dharam Park Colony, Amer Road, Jaipur, last employed on the post of Senior Section Engineer (P Way), MTS Jodhpur, NWR.

.....Applicants

(Through Advocate Mr. J.K. Mishra)

**Versus**

1. Union of India through the General Manager, HQ Office, North-Western Railway, Malviya Nagar near Jawahar Circle, Jaipur-17
2. Divisional Railway Manager, North Western Railway, Jodhpur Division, Jodhpur.
3. Sr. Divisional Personnel Officer, North Western Railway, Jodhpur Division, Jodhpur.

(Through Advocate Mr Vinay Jain)

.....Respondents

**ORDER (Oral)**

**Per Justice Kailash Chandra Joshi, Member (J)**

The applicant by way of this application sought following relief (s):-

- (i) That impugned order dt. 5.4.2011 (Annexure A/1) may be declared illegal and the same may be quashed. The respondents may be directed to refix/revise the pay of the applicant as per rules in force at par with his next junior and allow all consequential benefits including revision of pensionary

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benefits and arrears of difference of pay/pension etc. along with market rate of interest.

- (ii) That any other direction, or orders may be passed in favour of the applicant which may be deemed just and proper under the facts and circumstances of this case in the interest of justice.
- (iii) That the costs of this application may be awarded.

2. The core facts that encompasses the case are that the applicant was initially appointed to the post of Apprentice IOW on 28.4.1972 and he was subjected to undergo AIOW Course at Zonal Training School Udaipur during the period 1.2.1974 to 30.9.1974 vide letter dated 03.10.1974. Thereafter, he was given posting on the post of IOW in the pay scale of Rs 425-700 in Kota Division. Thereafter he was rendered surplus and absorbed on the post of Clerk in the pay scale of Rs 260-400 in Kota Division. The applicant served on the post of Clerk during the period from 13.9.1975 to 24.3.1977. Thereafter, he was absorbed on the post of PWI-III in the pay scale of Rs 425-700 and posted in Jodhpur Division of erstwhile Northern Railway. During the year 1995, the applicant came to know that Shri R.C. Sharma was appointed to the post of AIOW on dated 29.4.1972 alongwith applicant who also underwent AIOW Course at Zonal Training School Udaipur during the period 1.2.1974 to 30.9.1974 (along with applicant). Shri R.C. Sharma was junior to him but was given pay fixation at a higher stage than him. Thereafter the applicant has been consistently insisting and requesting the concerned authorities for correcting his pay fixation because Shri R. C. Sharma, junior to him was drawing more pay than the applicant. The applicant retired attaining the age of superannuation. The respondents dismissed the application of the applicant for correct fixation of pay on the basis of the

comments received from the respondent No. 3, hence this OA has been filed.

3. By way of counter the respondents denied the facts; however in para 7 of the reply it has been averred that applicant after being declared surplus from the post of IOW grade 425-700 was absorbed as clerk in Kota Division on pay Rs 260/- w.e.f. 15.9.1975, he was transferred to Jodhpur Division as PWI-III in grade 425-700 w.e.f. 07.04.77. His pay on joining Jodhpur Division was fixed at Rs 455/- in accordance with the last pay which he was drawing in Kota Division in grade Rs 425-700. They have also averred the position of Shri R.C. Sharma by stating the fact that he was declared surplus from the post of IOW grade 425-700 was also absorbed as clerk in grade 260-400 in Rajkot Division on pay Rs 260/- w.e.f. 20.10.1975 and was further promoted in grade 425-700 on pay Rs 500/- w.e.f. 01.10.77 and was absorbed in Allahabad Division. When he was transferred to Jodhpur his pay was fixed at Rs 500/- in accordance with the last pay which he was drawing in the Allahabad Division. Thus, respondents have averred that they have rightly given the pay to the applicant as well as to Shri R.C. Sharma as per their last pay drawn before joining the Jodhpur Division.

4. The counsel for the applicant, relying upon para 7 of the reply, contended that when the applicant was senior to Shri R.C. Sharma his pay was fixed as Rs 455/- after transfer to Jodhpur Division whereas the pay of Shri R.C. Sharma was fixed at Rs

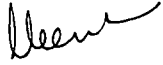
500/- and as per Annex. A/2 and A/8 they have undergone the training simultaneously in the AIOW Course at Zonal Training School Udaipur during the same period 1.2.1974 to 30.9.1974. Therefore, it is clear that his pay was wrongly fixed.

5. Per contra counsel for the respondents submitted that they have fixed the salary of the applicant and Shri R.C. Sharma as per their last pay drawn in the concerned Divisions.

6. A bare reading of the para 7 of the reply shows that there is some anomaly in the pay fixation of the application vis-à-vis Shri R.C. Sharma because when the pay of applicant was fixed at Rs 260/- w.e.f. 15.09.1975, the pay of Shri R.C. Sharma was also fixed at Rs 260/- w.e.f. 20.10.1975 a later date. But some anomaly seems to have occurred due to wrong fixation of the salary because Shri R.C. Sharma has been fixed at Rs 500/- w.e.f. 1.10.77 and the applicants salary has been fixed at Rs 455/- w.e.f. 4.7.77, which is lower than that of Shri R.C. Sharma.

7. In view of the apparent anomaly in the fixation, we are proposing to dispose off this OA with the direction to the respondents to re-examine and reconsider the case of the applicant and to fix his pay in view of the facts averred in para 7 of the reply and the anomaly pointed out. Respondents are also directed to consider the entire service record of the applicant and R.C. Sharma specifically the pay fixation of the applicant after completion of the training vis a vis Shri R.C. Sharma.

The OA itself is to be sent to the respondents and this shall be treated as an additional representation and respondents shall decide this representation within 4 months from the date of the receipt of the order.



**(Meenakshi Hooja)**  
**Administrative Member**



**(Justice K.C. Joshi)**  
**Judicial Member**

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