

In the Central Administrative Tribunal
Calcutta Bench

OA No.1458/97 with MA 728/2000

Present : Hon'ble Mr.S. Biswas, Member(A)
Hon'ble Mr.N. Prusty, Member(J)

- 1) Pranab Kumar Chakraborty, S/o Late Prafulla Chakraborty
- 2) Zaki Sheikh, S/o Late Rahamatulla Sheikh
- 3) Pranab Kumar Ghosh, S/o Late Jamini Kanta Ghosh
- 4) Sanjay Kr. Khalko, S/o William Khalko
- 5) Shiba Pada Sarkar, S/o Late Dwija Pada Sarkar
- 6) Malay Kumar Das, S/o D.N. Das
- 7) Basudeb Nayak, S/o Rasananda Nayak
- 8) Rama Prasad Nath, S/o Late Murari Mohan Nath
- 9) Suresh Prasad Sharma, S/o Late Jamuna Pd. Sharma
- 10) Nivedita Kundu, S/o Late Mrinal Kanti Kundu
- 11) Karuna Prakash Dey, S/o Kalipada Dey
- 12) Pankaj Kr. Mondal, S/o Late Kali Mohan Mondal
- 13) Kalyan Nandy, S/o Late Kamakhya Prasad Nandy
- 14) Banku Behari Basak, S/o Amarendra Narayan Basak
- 15) C.P. Lakra, S/o Lucas Lakra
- 16) Sumanta Mondal, S/o Late Harendra Ch. Mondal
- 17) Maya Banerjee, W/o Nirmal Banerjee
- 18) Santosh Bhattacharjee, S/o Late Harenath Bhattacharjee
- 19) Nilanjan Haldar, S/o Late Birendra Nath Haldar
- 20) Helen Kerketta, D/o Bernard Kerketta
- 21) Mohan Lal Bondyopadhyay, S/o Late Gangadhar Bondyopadhyay
- 22) Kanchan Kr. Das, S/o Ananta Kr. Das
- 23) Anup Kusari, S/o Late Sudhir Kr. Kusari
- 24) Bandana Chakraborty, D/o Late Ranjan Chakraborty
- 25) Bimal Kr. Modak, S/o Late Chittaranjan Modak
- 26) Sukumar Pal, S/o Late Ratikanta Paul
- 27) Prabir Chatterjee, S/o Late Swadesh Ranjan Chatterjee
- 28) Debasis Chowdhury, S/o Manindra Nath Chowdhury
- 29) Tista Chowdhury, W/o Debasish Chowdhury
- 30) Subodh Ch. Saha, S/o Late Madhab Ch. Saha
- 31) T.K. Chakraborty, S/o Late Upendra Nath Chakraborty
- 32) Beni Madhab Roy, S/o Late Dhirendra Chandra Roy
- 33) Amay Kr. Kar, S/o Late Balaram Kar
- 34) Gopal Ch. Saha, S/o Late G.C. Saha
- 35) Goutam Mondal, S/o Late Guru Das Mondal
- 36) Ila Sarkar, W/o Late P.N. Sarkar
- 37) Amal Kr. Nandy, S/o Late Satish Ch. Nandy
- 38) Manik Mukherjee, S/o Late Nagendra Nath Mukherjee
- 39) Pravash Ch. Paul, S/o Late Prafulla Charan Paul
- 40) M. Prasad, S/o Late Panicharan Ram

- 42) Sankar Putatunda, S/o Santi Ranjan Putatunda
- 43) Rupak Lec, S/o Dilip Kr. Lec
- 44) Manick Ch. Guha, S/o Late R.R. Guha
- 45) Basudeb Karar, S/o Late S.C. Karar
- 46) Bijoy Krishna Nandy, S/o Late Umesh Ch. Nandy
- 47) Dipti Sanyal, W/o G.K. Sanyal
- 48) Animesh Banik, S/o Late Basudeb Banik
- 49) Sambhu Nath Dey, S/o Late Santosh Kr. Dey
- 50) Rabin Kumar Pramanick, S/o Late Adhir Kr. Pramanick
- 51) Rampada Adhikary, S/o Late Anil Adhikary
- 52) Jagannath Pal, S/o Late Jadu Nath Pal
- 53) Sena Kerketta, S/o Late Mahadeo Kerketta
- 54) Tammooy Bhattacharjee, S/o Late Achinta Kr. Bhattacharjee
- 55) Asit Roy, S/o Late Sailendra Nath Roy
- 56) Maðan Mohan Some, S/o B.R. Some
- 57) Dibyendu Mondal, S/o Surendra Nath Mondal
- 58) Kaushik Ghosh Dastidar, S/o Late Debabrata Ghosh Dastidar
- 59) Madhu Sudan Pal, S/o Late Kali Pada Pal
- 60) Durgadas Sikdar, S/o Late Gour Gopal Sikdar
- 61) Prasanta Das, S/o Late Abir Kr. Das
- 62) Anita Basu, W/o Late Amal Kanti Basu
- 63) Bimaleswar Bondyopadhyay, S/o Late Bisarwar Bondyopadhyay
- 64) Runu Biswas, S/o Late Pankaj Biswas
- 65) Uma Dey, W/o Late R.K. Dey
- 66) Sankar Kumar Gangopadhyay, S/o Late Ranjit Gangopadhyay

...Applicants

-Vs-

- 1) Union of India, through the GM, Eastern Rly, 17 Netaji Subhas Road, Calcutta-1
- 2) The Chief Personnel Officer, Eastern Rly, -DO-
- 3) The Chief Works Manager, Eastern Rly, Kanchrapara Workshop
- 4) The Workshop Personnel Officer, Kanchrapara Workshop

...Respondents

For the applicants : Mr. B. Mukherjee, Counsel

For the respondents : Mr. M.K. Bondyopadhyay, Counsel

Date of Order : 10/2/04

ORDER

Mr. S. Biswas, Member(A)

as was not only considered and granted to all other Central Government employees uniformly on the question ~~of~~ ^{from} effective date of the award (from 1-1-96) but was granted to Time Keepers (II)/HC of all other Div/Branches of Rlys w.e.f. 1996 with the solitary exception to the Time Keepers of Kanchrapara Workshop of E. Ely. On much deliberation which followed the revelation that there was an omission in respect of Kanchrapara Workshop grade of T.K.II, the benefit was granted only w.e.f. 13-12-97 being the date when the fitment was finally given by this order. The applicants have moved this OA to only ask for the benefits so extended by this communication dated 13-12-97, from 1-1-96 - as granted to one and all who were Central Government employees under the purview of V CPC recommendations. The applicants have also impugned this order to be replaced by appropriate directions so that they get the benefit of the following replacement scales w.e.f. 1-1-96 :

<u>Post</u>	<u>Revised Pay</u>	<u>C.P.C.</u>
TK-III/Sr.Clerk	Rs4500/-	125/- 7000/-
TK-II/H.C.	Rs5000/-	150/- 8000/-
TK-I/OS Gr.II	Rs5500/-	175/- 9000/-

2. We went through the respective submissions and written briefs. The moot point to be considered in this case is the eligibility of the applicants to have appropriate replacement scales as claimed in this OA with effect from 1-1-96.

3. The applicants were initially appointed as Clerk in the Ministerial cadre since their date of initial appointment in the Time Office of Eastern Rly, Kanchrapara Workshop, where they are now posted ^{as} _{Time Keeper/Time Keeping Clerks} having the ^{etc} same responsibilities. The clerical cadre/Ministerial cadre were given the following replacement grades by the V C.P.C.:

S. A

<u>Name of post</u>	<u>Scale (IV C.P.C.)</u>	<u>Scale (V CPC)</u>
1) Clerk Gr.II (Jr.Clerk)	Rs950-2000-1150-2500 1500/-	Rs3050-75-3950 80-4590/-
2) Sr.Clerk	Rs1200-30-1560-40-2040	Rs4500-125-7000
3) Head Clerk	Rs1400-40-1800-50-2300	Rs5000-150-8000
4) Office Supdt.(Gr.II)	Rs1600-50-2300-60-2660	Rs5500-175-9000
5) Office Supdt.Gr.I	Rs2000-60-2300-75-3200	Rs6500-200-10500

4. That after implementation of the recommendations of V CPC, they were somehow detached from the Clerical grades though right from II, III and IV CPC they have been equated with clerical grades as would be evident from the seniority list published by the Chief Electrical Engineer dated 12-11-86. So not only the applicants were appointed as Clerks but also treated as such keeping in view they were placed under the Kanchrapara Workshop for the purpose of time keeping.

5. Though they had represented suitably for integration of the Time Keepers with those of Clerical staff, the CWM vide his letter dated 28-11-91 declined to give any fresh designation of the Time Keepers in the pattern of the cadre structure as prevalent in the Kharagpur Workshop in S.E. Rly, Diesel Locomotive Workshop, Varanasi & CLW Chittaranjan etc. The question whether the Time Keeper will fall under Clerical grade or worker grade was also taken up with the Hon'ble Supreme Court. It was in this connection decided that the Time Keeper and other categories of staff employed in workshop with identical pay scales be declared as Worker under the Factory Act in pursuance of the Judgement of the Hon'ble Apex Court.

6. However, in a nut shell, the V CPC recommended certain replacement of certain pay scales for Ministerial Staff as pointed out in respective Sr.Clerk/H.C./O.S., which are as under:

<u>Name of posts</u>	<u>Pay Scale(present)</u>	<u>Revised Pay Scale</u>
1) Sr.Clerk	1200-30-1860-40-2040	4500-125-7000
2) Head Clerk	1400-40-1800-60-2300	5000-150-8000
3) Office Supdt.II	1600-50-2300-75-3200	5500-175-9000

8. The learned counsel for the respondents has pointed out that the pay has been fixed in respect of Time Keeper with effect from 18-2-2000 as per the scales shown below and this was done in pursuance of Rly Board's letter dated 28-7-2000, which has been impugned :

<u>Sl</u>	<u>Designation</u>	<u>Existing pay scale</u>	<u>Improved Pay Sc.</u>
1	Jr.Time Keeper (previously known as TK-IV)	Rs3050-4590/-	Rs3050-4590 (no change)
2	Sr.Time Keeper (previously known as TK-III)	Rs4000-6000/-	Rs4500-7000/-
3	Head Time Keeper (previously known as TK-II)	Rs4500-7000/-	Rs5000-8000/-
4	Chief Time Keeper (previously known as TK-1)	Rs5000-8000/-	Rs5500-9000/-
5	Supdt. Time Keeper (previously known as Chief Time Keeper)	Rs6500-10500/-	Rs6500-10500 (no change)

9. We have gone through the said communication dated 28-7-2000, which has been received from the Rly Board. In this there is indication that the recruitment pattern was changed, but it is not the case. In subsequent rule depriving or denying the applicants from getting the pay scales with effect from 1-1-96 was hampered by this change. For the time being we are not inclined to go into the change in the policy stand which may affect the equation of a particular group or grade with the corresponding Ministerial Staff, which is an internal matter to be sorted out. However to the extent the benefits has been extended to the Time Keeper grades of Eastern Rly, the same should be equitably applicable with effect from 1-1-96 as the case is in respect of the awarding of the scales under V CPC. We therefore, partially allow this OA to the extent that the benefit should be awarded with effect from 1-1-96 to the present applicants only within 3 months from the date of communication of the order with arrears. However, there would be no order as to the interests. With this direction, we dispose of the OA. No order as to costs. MA is also disposed of accordingly.