

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.474/92

Friday, this the 14th day of January, 1994.

**SHRI N DHARMADAN, MEMBER(J)**  
**SHRI S KASIPANDIAN, MEMBER(A)**

CA Mohammed(Retd.CTTI),  
B21 Giri Nagar North,  
Ernakulam, Cochin-682 020.

- Applicant

By Advocate M/s Poly Mathai & Ajith Prakash

Vs.

1. Union of India represented by  
General Manager,  
Southern Railway, Madras-3.
2. The Divisional Personnel Officer,  
Southern Railway, Trivandrum.

- Respondents

By Advocate Smt Sumathi Dandapani

O R D E R

**N DHARMADAN, MEMBER(J)**

Applicant, a retired Chief Travelling Inspector approached this Tribunal for a direction to refix the salary and arrears of pay consequent on his promotion with effect from 1.1.1984 considering Annexure-A3 representation dated 18.6.1986.

2. The applicant's case is that he was given the grade of 425-640 on 6.9.1977 while he was working as Platform Inspector. The post of Platform Inspector was merged with Ticket Checking Inspector. Hence according to the applicant, the Platform Inspectors should also get promotion in the grade of 550-750 after the merger with effect from 1.11.1983. However, the applicant was promoted in the subsequent grade of 700-900 as per Annexure-A2 order dated 30.5.1985. But according to the applicant he is entitled to be promoted from 1.1.1984 with all consequential benefits considering his seniority on account of the merger of the two posts referred to above. He filed Annexure-A3 representation in this behalf. The applicant was granted promotion with effect from 1.11.1984, but he was not given the arrears of pay after proper fixation of pay in accordance with law.

3. The only objection raised by the respondents in the reply for denying the relief claimed by the applicant is a letter No.E(NG)63/PM 1/92 dated 17.9.1964. According to the respondents, this letter does not permit the Railway to grant arrears of pay fixing the same retrospectively as claimed by the applicant. Hence according to the respondents, the claim is not sustainable and the OA is liable to be dismissed.

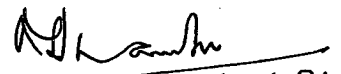
4. Learned counsel for the applicant brought to our notice a decision of this Tribunal reported in P Tyagarajan and others V. Union of India and others, (1992) 19 ATC, 839. The validity of the letter referred to above has been considered in that case and this Tribunal as per judgement dated 30.7.1991 quashed the same. In the light of this decision, the applicant is entitled to the relief as prayed for in this OA. The respondents have no case that this decision will not apply to the facts of this case.

5. As indicated above, the aforesaid judgement applies to the facts of the case and since the letter relied on by the respondents is no more valid for objecting the claim of the applicant, we are of the view that the OA is to be allowed. Accordingly, we quash the impugned order and direct the second respondent to fix his pay if necessary in the promoted post and disburse <sup>the arrears due to the applicant</sup> from 1.1.1984 to 30.6.1985 to him without any further delay. Consequential revision of pension may also be effected and the respondents shall comply with the above directions within a period of four months from the date of receipt of a copy of this order.

6. The OA is allowed as above. No costs.



(S KASIPANDIAN)  
MEMBER(A)

  
14.1.94.  
(N DHARMADAN)  
MEMBER(J)

TRS