

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A. NO.538 OF 1997.

Tuesday this the 21st day of December 1999.

CORAM:

HON'BLE MR.A.V. HARIDASAN, VICE CHAIRMAN

HON'BLE MR. J.L. NEGI, ADMINISTRATIVE MEMBER

1. L.Mony, Driver/Passenger,
Southern Railway,
Ernakulam Junction.
2. P.M.Aboobacker -do-
3. K. Narayanan Nair -do-
4. P.Mohanachandran Driver/Passenger
Southern Railway,
Quilon.
5. G. Sukumaran -do-
6. T.M. Chacko -do-
7. R. Vasudevan -do-
8. K.Krishnan Nair -do-
9. A. Sundaram -do-
10. P.Dharmarajan -do-
11. P.Chandrasekara Pillai -do-
12. T.S. Mathew -do-
13. P.Ramachandra Sekaran Nair -do-
14. G. Vijayadharan -do-
15. C. Ramachandran Driver/Passenger,
Southern Railway,
Nagarcoil Junction.
16. N. Soman, -do-
17. G. Suseelan Driver/Passenger
Southern Railway,
Ernakulam Junction.
18. P.T. Madhavan -do-Applicants
...2/-

(By Advocate Shri T.C. Govindaswamy)

Vs.

1. Union of India through
the General Manager,
Southern Railway,
Madras-3.
2. The Chief Personnel Officer,
Southern Railway,
Headquarters Office,
Park Town P.O., Madras-3.
3. The Divisional Railway Manager,
Southern Railway,
Trivandrum Division,
Trivandrum-14.
4. The Divisional Personnel Officer,
Southern Railway,
Trivandrum Division,
Trivandrum-14.
5. The Railway Board,
"Rail Bhavam", New Delhi
through its Chairman.

Respondents

(By Advocate Shri K.V. Sachidanandan)

The application having been heard on 21st December, 1999,
the Tribunal on the same day delivered the following:

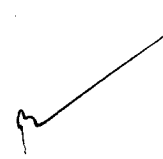
O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicants 18 in number have filed this application for a declaration that they are entitled to have their pay in the scale of pay of Rs.1350-2200 in the post of Goods Driver stepped up with effect from 14.6.88 on par with their junior Shri P. Sivan with all attendant benefits and for a direction to the respondents to do so accordingly.

2. It has been alleged in this application that the applicants who were promoted as Goods Drivers while working as Shunters/Diesel Assistants prior to 1.1.1986 that their junior Shri Sivan who got promoted to the post of Goods Driver after 1.1.86 started getting higher pay, they made a

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claim for stepping up of their pay, that their representations claiming stepping up of pay did not evoke any reply from the respondents in spite of the fact that the Tribunal had in its order in O.A. No.1221/95 (A7) directed the respondents to consider the case of the applicants and to give them an appropriate reply and that the action on the part of the respondents in not extending to the applicants the benefit of stepping up of pay on par with the junior is arbitrary and irrational.

3. The respondents in their reply statement contend that the case of the applicants is not exactly similar to the case of the applicants in O.A. 42/91. However, they have indicated in the reply statement that as a policy decision is required if the stepping up of pay is to be granted to the applicants, the matter has been referred to the Railway Board and a final decision in the matter is still awaited. The learned counsel on either side agree that the application may be disposed of with a direction to the 5th respondent to take an appropriate decision regarding the claim of the applicants for stepping up of pay.

4. In the result as agreed to by the learned counsel on either side the application is disposed of directing the fifth respondent to consider the claim of the applicants for stepping up of their pay on par with their common junior, P.Sivan keeping in view the decision of the Tribunal in O.A. 42/91 (A-10) and other relevant rules and instructions on the subject and give the applicants an appropriate order within a period of four months from the date of receipt of a copy of this order. We also direct that if the decision is taken to

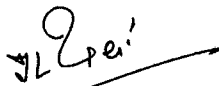
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extend the benefit of stepping up of pay of the applicants the consequential benefits flowing therefrom shall be made available within a period of two months thereafter.

5. The Application is disposed of as above. No costs.

Dated the 21st December 1999.



J.L. NEGI
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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List of Annexures referred to in the order:

Annexure A7: A true copy of the judgement delivered by this Hon'ble Tribunal in O.A. 1221 of 1995 dated 26.10.95.

Annexure A10.: A true copy of the judgement in O.A. No.42/91 delivered by this Hon'ble Tribunal dated 19.3.92.