

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

Original Application No. 553 of 2005


Wednesday, this the 12<sup>th</sup> day of November, 2008

**CORAM :**

**HON'BLE DR. K B S RAJAN, JUDICIAL MEMBER  
HON'BLE MS. K NOORJEHAN, ADMINISTRATIVE MEMBER**

1. Jose Sebastian,  
S/o. P.A. Sebastian,  
Junior Accounts Officer,  
Divisional Financial Manager,  
Southern Railway, Trivandrum,  
Residing at : Pallukattu House,  
Kurisummood, Changanacherry
2. Indira Sivadasan,  
W/o. V. Sivadasan,  
Accounts Assistant,  
Divisional Manager's Officer, Trivandrum,  
Residing at : Nisha Bhavan,  
Naniyode Pacha P.O.
3. Leelamma Mathew,  
W/o. Thomas Mathew,  
Accounts Assistant,  
Divisional Financial Manager's Office,  
Trivandrum,  
Residing at : Thundyil Sharon,  
Thiruvallam, Trivandrum : 27
4. Uma Gopinath,  
W/o. Gopinath Kurup,  
Accounts Assistant,  
Divisional Financial Manager's Office,  
Trivandrum,  
Residing at : Trivandrum, SEKT-54,  
Mani Mangalam, Thamarakulam Lane,  
Sasthamangalam



5. S.R. Vijayan,  
S/o. S. Rajasekharan,  
Accounts Assistant,  
Divisional Financial Manager's Office,  
Trivandrum,  
Residing at : T.C.53/642, Melayanoor  
Karamana, Trivandrum.
  6. B. Rajalakshmi Amma,  
W/o. Late K.C. Pillai,  
Accounts Assistant (Clerk Grade-1),  
Divisional Financial Manager's Office,  
Trivandrum,  
Residing at : Aiswarya 3/29A, Vazhayila,  
Kasakulam P.O., Trivandrum.
  7. Anila Thampy S,  
W/o. Radhakrishnan,  
Accounts Assistant,  
Divisional Financial Manager's Office,  
Trivandrum,  
Residing at : Kamala Vilasam Bunglaw,  
Alumoodu P.O. (Via), Mukhathala, Kollam
  8. N.C. Samuel,  
S/o. N.S. Chacko,  
Accounts Assistant,  
Divisional Financial Manager's Office,  
Phy cadu P.O., Trivandrum,  
Residing at : 137/C, Anvar Garden's Railway  
Colony, Poojapura.
  9. Susan Mathew,  
W/o. Mathew Abraham,  
Accounts Assistant,  
Divisional Financial Manager's Office,  
Trivandrum,  
Residing at : Thottupurakkal House,  
Nalanchum, Trivandrum : 695 015
  10. Aleyamma Varghese,  
W/o. M.C. Varghese,  
Accounts Assistant,  
Divisional Accounts Officer,  
Southern Railway, Trivandrum,
- 

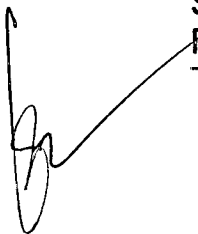
Residing at : Moozhockal House,  
House No. 57, NCC Road,  
Peroorkadu, Trivandrum.

11. Ambika Sathesh,  
W/o. Sathesh Kumar A. Nair,  
Accounts Assistant,  
Divisional Accounts Officer,  
Southern Railway, Trivandrum,  
Residing at : 20/1192(1), Achutham,  
Melarannur, Karamana P.O., Trivandrum.
12. George Jay,  
S/o. C.T. George,  
Accounts Assistant,  
Divisional Financial Manager's Office,  
Southern Railway, Trivandrum,  
Residing at : Chakkulathu, Thannimootil,  
Thekkenmala P.O., Kozhancheery,  
Pathamthitta.
13. Annamma Joseph,  
W/o. E.S. Joseph,  
Accounts Assistant, Accounts Branch,  
Railway Divisional Office, Trivandrum,  
Residing at : 10/1658, Aswathy, Pulimoodu,  
Vattiyoorkavu, Trivandrum.
14. K.P.R. Mohan,  
S/o. K.N. Parameswaran Pillai,  
Accounts Assistant, Divisional Accounts Office,  
Southern Railway, Trivandrum,  
Residing at : Mamatha, NCC Nagar, Peroorkadu,  
Trivandrum.
15. Alice Joseph,  
W/o. Joseph Stanley,  
Accounts Assistant,  
Railway Divisional Office, Trivandrum,  
Residing at : TC-3/2730/3, Palace View Road,  
Pattam.
16. Geetha K. Pillai,  
W/o. Kunju Pillai,  
Accounts Assistant,



Divisional Accounts Officer,  
Southern Railway, Trivandrum,  
Residing at : Door No. 521,  
Darsan Nagar 5<sup>th</sup> Lane,  
Peroorkadu, Trivandrum

17. S. Nirmala Rajan,  
D/o. Saundher Rajan,  
Accounts Assistant, Accounts Department,  
Southern Railway, Trivandrum,  
Residing at : David Nivas, New Nagar,  
Vakakevilla P.O., Kollam : 691 010
18. Annamma Jose,  
W/o. Jose Mathew,  
Accounts Assistant,  
Divisional Financial Manager's Office,  
Trivandrum,  
Residing at : House No. 24, SCT Nagar,  
Chalawzhy, Pattam, Trivandrum.
19. Geetha B.S.,  
W/o. P.C. Michel,  
Accounts Assistant,  
Divisional Financial Manager's Office,  
Trivandrum,  
Residing at : T.C.35/1732, Thottmangalam,  
Valliyoorkavu P.O. : 695 013
20. S.Chithambarakumar,  
S/o. C. Subbaiah Pillai,  
Accounts Assistant,  
Divisional Financial Manager's Office,  
Southern Railway, Trivandrum,  
Residing at : T.C.73/1556, Sulochana Nagar,  
Perunthanni, Vallukadu Post, Trivandrum: 695 008
21. M.N. Manmadhan,  
S/o. Narayan,  
Accounts Assistant,  
Divisional Financial Manager's Office,  
Southern Railway, Trivandrum,  
Residing at : No. 73-A, Railway Quarters,  
Thambanoor, Trivandrum.



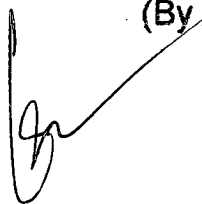
22. G.M. Sanjeev,  
S/o. Late G. Madhavan Nair,  
Accounts Assistant,  
Divisional Financial Manager's Office,  
Southern Railway, Trivandrum,  
Residing at : 16/25, Kakkuliya Lane,  
Jagathi, Trivandrum.
23. V. Gopalakrishnan,  
Junior Accounts Officer,  
Southern Railway, Divisional Office,  
Thykadu, Trivandrum,  
Residing at T.C. No. 50/972(3) H.S.R.A/D.4(1),  
Kalady, Karamana : 695 002.
24. Sebastian P. Alencherry,  
S/o. Late A. Philipose Alencherry,  
Senior (AFA), Construction, Ernakulam Sourth,  
Residing at : Railway Quarters No. 324, Kochi-16

(By Advocate Mr. T.C. Govindaswamy)

v e r s u s

1. Union of India represented by  
The Secretary to the Government of India,  
Ministry of Railways, New Delhi.
  2. The Financial Commissioner,  
Railway Board, Rail Bhawan,  
New Delhi.
  3. The General Manager,  
Southern Railway,  
Headquarters Office,  
Park Town P.O., Chennai - 03
  4. The Financial Adviser &  
Chief Accounts Officer,  
Southern Railway, Headquarters Office,  
Park Town P.O., Chennai - 03
- ... Respondents.

(By Advocate Mr. Sunil Jose)

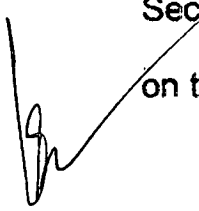


The Original Application having been heard on 12.11.08, this Tribunal on the same day delivered the following:

**O R D E R**  
**HON'BLE DR. K B S RAJAN, JUDICIAL MEMBER**

The first and twenty-third applicants are functioning as Accounts Officers, while the rest as Accounts Assistants. All are working in the Trivandrum Division of the Southern Railway. Their initial appointment was in the post of Junior Accounts Assistants in the Accounts Department and they were later on promoted as Accounts Assistants on various dates.

2. The Accounts cadre of the Respondents' organization were initially treated at par with the Central Secretariat Service Assistants and accordingly, the scales of pay of the Accounts Cadre of the Railways and other departments of the Government of India were identical to the scales of pay applicable to the Assistants of the Central Secretariat. However, the parity which so prevailed was not made to continue from 01-01-1986 in that under the IV CPC, the Assistants of the Central Secretariat Services were granted higher pay compared to that of the Accounts Assistants of the Railways. This has resulted telescopically a big difference between the pay scale of the Assistants of Central Secretariat on the one hand and the Accounts Assistants of the Railways on the other.



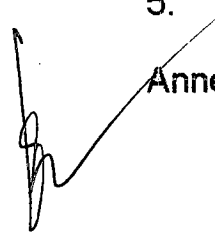
3. Such a situation arose in other departments also and a number of cases were filed in various Benches of the Tribunal. Vide Annexure A-1 order dated 19<sup>th</sup> August, 2004, , in respect of the Accounts Assistants in Atomic Energy Department, the disparity was removed and the Accounts Assistants were brought at par with the Assistants of the Central Secretariat Services with the pay parity on notional basis w.e.f.01-01-1986 and on actual basis from 05-12-1990.

4. In fact, the matter was taken up by the JCM before a Board of Arbitration (JCM), which, by award dated 24<sup>th</sup> August, 2004, vide Annexure A-2 held as under:-

"Having carefully considered the materials on record and the merits of the Case and having taken into account all the relevant facts having bearing on the mater in issue and after hearing the submissions of the Parties at length and having given our anxious consideration thereto, we give the following Award:-

"The Government is directed to grant upgraded pay scale, same as to the Assistants of Central Secretariat Service of Rs 1640 – 2900 (Rs 5500 –9000 w.e.f. 01-01-96) to all Senior Auditors, Senior Accountants and Accounts Assistants (Railways) w.e.f. 01.01.86 notionally and actual payment from 12.11.2001 the date of Reference of Arbitration to the Board." "

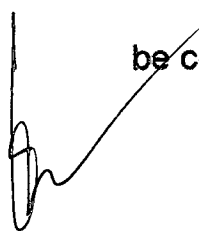
5. The applicants moved representations on 05-05-2005, vide Annexure A-3 to which there has been no response. The matter was



also taken up by the Joint Action Committee of Accounts and Audit employees and officers organization before the Hon'ble Prime Minister vide Annexure A-4 communication dated 19-04-2006.

6. The applicants thus seek a direction from the Tribunal to the respondents to grant them higher pay scale w.e.f. 01-01-1986 or from the date from which they were promoted as Accounts Assistants and held the posts accordingly whichever is later and consequential benefits including arrears of pay and allowances emanating therefrom.

7. Respondents have contested the O.A. They have taken the stand that the Ministry of Railways cannot issue orders unilaterally without receiving any orders from the Ministry of Finance. In their Additional reply, the respondents have stated that subsequently, vide letter No. PC-V/2005/CC/19/SR dated 04-08-08, the Ministry of Finance have advised that the Annexure A-2 award is proposed to be rejected on the grounds of affecting the national economy in view of the considerable financial implications. That a note seeking approval of the Committee of Secretaries for rejection of the award has already been initiated by the Ministry of Finance. It has been further clarified that the matter is yet to be considered by the Committee of Secretaries. Annexure R-2 refers.






8. Counsel for the applicant submitted that the matter has been hanging fire since 2004 when the award has been passed and the Respondents ought to have, if they wanted to reject the award, acted upon accordingly, in accordance with the provisions of Scheme for JCM and Compulsory Arbitration for Central Government Employees within the stipulated time specified therein. This was not done. Thus, the Tribunal could well allow the OA on the basis of earlier decisions of the Tribunal.

9. Counsel for the respondents submitted that since the decision has recently been taken on 4<sup>th</sup> August, 2008, further action is on hand and the matter would be placed before the Parliament as per the provisions of the Scheme.


10. Though a number of decisions were sought to be cited by the counsel for the applicant, as it is found that the matter has, as recently as 4<sup>th</sup> August 2008 been considered by the Ministry of Finance, it would be inappropriate if the case is considered by the Tribunal at this juncture, when the Ministry is contemplating to place the matter before the Parliament for their specific directions in regard to the decision of the Government to reject the award. In fact, the decision of the Government cannot be said to have attained finality.



11. Thus, without expressing any opinion on the point of merit, this OA is dismissed as premature. No costs.

(Dated, the 12th November, 2008)

  
(K. NOORJEHAN)  
ADMINISTRATIVE MEMBER

  
(Dr. K B S RAJAN)  
JUDICIAL MEMBER

CVR.