

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No. 7 of 1995

Monday, this the 5th day of February, 1996

CORAM:

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN  
HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

1. V. Chinnasami,  
S/o M. Varadarajan,  
Adhoc Diesel Assistant, Erode  
Residing at No.53-A,  
Sunaara Street, Sastri Nagar, Erode-2
2. C. Sivalingam,  
S/o P. Chellapan,  
Diesel Assistant, Southern Railway, Erode  
Residing at No.421-E,  
Railway Colony, Erode.
3. K. Mohan Kumar,  
S/o Balakrishna Menon,  
Diesel Assistant, Southern Railway,  
Office of Loco Foreman (R), Erode  
Residing at Railway Colony,  
Erode. .. Applicants

By Advocate Mr. TC Govindaswamy

Versus

1. Union of India represented by  
The General Manager,  
Southern Railway,  
Madras-3
2. The Chief Personnel Officer,  
Southern Railway,  
Headquarters Office, Park Town PO,  
Madras-3
3. The Divisional Personnel Officer,  
Southern Railway,  
Palghat Division, Palghat.
4. Assistant Personnel Officer (M),  
Office of the Divisional Personnel Officer,  
Southern Railway, Trivandrum Division,  
Trivandrum-14. .. Respondents

By Advocate Mr. KV Sachidanandan

The application having been heard on 5th February, 1996,  
the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

The three applicants were in the scale of Rs.1320-2040, Rs.950-1500 and Rs.950-1500 in that order, drawing Rs.1410/-, Rs.1130/- and Rs.1130/- respectively. They opted for a different post, namely Diesel Assistant in the scale of Rs.950-1500. According to them, fixation of pay in the post of Diesel Assistant has to be made in terms of sub-rule (3) of Rule 1313 of the Indian Railway Establishment Code, Vol-II. That rule is to the effect that when a person is appointed to a "new post at his request and when the maximum pay in the time scale of that post is lower than the pay drawn by him in the former post", his pay will be fixed at that stage.

2. Counsel on both sides submit that the claims of applicants have to be upheld in the light of the decisions in OA No. 2066/93, OA No. 1533/92, OA No. 323/93 and OA No. 1240/93. We record the submission. Respondents will fix the pay of applicants in the post of Diesel Assistant in terms of sub-rule (3) of Rule 1313 of the Indian Railway Establishment Code, Vol-II within two months from today.
3. Application is allowed. Parties will suffer their costs.

Dated the 5th February, 1996

  
PV VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

  
CHETTUR SANKARAN NAIR(J)  
VICE CHAIRMAN