

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No.

~~O. A. No.~~

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DATE OF DECISION 1.9.92

N. Ravi & S. Vijayakumar Applicant (s)

Mr. P. Santhoshkumar Advocate for the Applicant (s)

Versus

Union of India represented by Respondent (s)
by Chief General Manager, Southern Railway,
Madras and others

Mr. M.C. Cherian Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. S. P. Mukerji, Vice Chairman

The Hon'ble Mr. N. Dharmadan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *yes*
2. To be referred to the Reporter or not? *m*
3. Whether their Lordships wish to see the fair copy of the Judgement? *m*
4. To be circulated to all Benches of the Tribunal? *m*

JUDGEMENT

Mr. S. P. Mukerji, Vice Chairman

In this application dated 25.1.91, the two applicants who have been working as Health and Malaria Inspector Grade-IV in the Southern Railway have prayed that on the recommendation of the IV Pay Commission, they should be made entitled to the pay scale of Rs. 1400-2300 (wrongly indicated as Rs. 2400 in the OA) as against the pay scale of Rs. 1200-2040 which they are getting at present. In support of their claim, the applicants have quoted from the Report of the IV Pay Commission in para 3 of the O.A. as extracted below:

"11.27. Posts in the scale of Rs. 380-560 form the lowest supervisory level. Direct recruitment of diploma holders is resorted to a limited extent in certain defence units. Since Rs. 380-560 is also the scale of highly skilled grade-I

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employees, a request has been made for upgradation of posts at this level. Of the major departments, railways alone have a lower supervisory scale of Rs. 330-480 for mistris. We understand that mistris working in certain selected areas like loco and electric multiple unit car sheds, where they are in independent charge and supervise highly skilled artisans, are given special pay of Rs. 35/- per month. Taking note of these facts, we are of the view that in all departments the lowest supervisory level should be in the scale of Rs. 1400-2300. The work content of mistris in the scale of Rs. 330-480 should be reviewed by Railways. Those who are basically workers should be placed in the highly skilled grade (Rs. 1200-1800) and the others who can be clearly identified as supervisors may be given the scale of Rs. 1400-2300."

2. The applicants have contended that in accordance with the Railway Board's letter dated 4.1.72, Annexure-III they as Health Inspectors Grade-I, now designated as Health and Malaria Inspectors Grade-IV are discharging supervisory duties and as such, they are entitled to the pay scales of Rs. 1400-2300 (revised).

3. Respondents have on the other hand, taken the stand that the aforesaid recommendations of the IV Pay Commission are not applicable to the employees of the Medical Department as the Chapter from which the above quotation has been extracted deals with the Engineering Staff and staff of Workshops and Production Units.

4. Be that as it may, it has been brought to our notice that the first applicant had made a representation to the Chairman, Railway Board at Annexure-V on 2.2.87 followed by further representation to the CPO, Southern Railway dated 8-10-89 at Annexure-VI, both of which have remained unresponded. Learned counsel for the applicants stated that they will be satisfied if a direction is given to the Chairman, Railway Board to dispose of the aforesaid representations in accordance with law. The learned counsel has further argued that the recommendations of the IV Pay Commission as extracted above are broadly applicable to all the Departments having supervisory levels and that the Health Inspectors' category in the Medical


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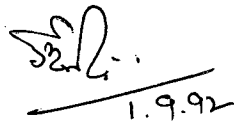
Department is also part and parcel of Indian Railway and they are supervisors in the Health Department and the Railways cannot discriminate against ^{them} as compared with the Supervisors in the Engineering, Workshops and Open Line staff.

5. In the facts and circumstances, we dispose of this application with a direction to the Union of India to get the representations at Annexure-V and VI of the first applicant disposed of by the Chairman, Railway Board in accordance with law and keeping the observations made above in view. The representations should be disposed of within a period of six months from today and the orders communicated to the first applicant ^{in that period.} The Chief Personnel Officer i.e. the second respondent, is directed to forward the representations at Annexure-V and VI ~~forwarded~~ to the Chairman Railway Board for implementation of our directions.

6. The application is closed on the above lines.

7. There will be no order as to costs.


(N. Dharmadan)
Judicial Member


(S. P. Mukerji)
Vice Chairman

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