

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**O.A. No. 34 OF 2011**

Thursday, this the 12<sup>th</sup> day of April, 2012

**CORAM:**

**HON'BLE Dr.K.B.S RAJAN, JUDICIAL MEMBER  
HON'BLE Ms. K. NOORJEHAN, ADMINISTRATIVE MEMBER**

K.Remavathy, Aged 63 years  
W/o.K Sudhakaran  
(Retd. Office Superintendent Gr.I  
Southern Railway/Personnel Branch/ Palghat Division)  
Residing at: House No.5, "Souparnam"  
Ramakrishna Nagar, N.S.S Engineering College P.O  
Palghat – 678 008 Applicant

(By Advocate – Mr.T.C Govindaswamy)

**Versus**

1. Union of India, represented by the General Manager, Southern Railway Headquarters Office, Park Town P.O Chennai – 600 003
2. The Chief Personnel Officer Southern Railway Headquarters Office, Park Town P.O Chennai – 600 003
3. The Divisional Railway Manager Southern Railway, Palghat Division Palghat
4. The Sr.Divisional Personnel Officer Southern Railway, Palghat Division Palghat

**Respondents**

By Advocate – **Mrs.Sumathi Dandapani, Sr. With Ms.K Girija)**

The application having been heard on 12.04.2012, the Tribunal on the same day delivered the following:



**ORDER****HON'BLE Dr.K.B.S RAJAN, JUDICIAL MEMBER**

1. Heard the counsel for the parties. The applicant has sought the following main reliefs:-

"(i) Declare that the non-feasance on the part of the respondents to grant the applicant the benefit of the revised pay and allowances as per the RS(RP) Rules, 2008 including arrears of pay and allowances thereof for the period from 01.01.2006 to 31.10.2007 is arbitrary, discriminatory, contrary to law and hence unconstitutional;

(ii) Direct the respondents to grant the applicant the benefit of the revised Pay Band of Rs.9300-34800 with a GP of Rs.4600/- for the period from 01.01.2006 to 31.10.2007 with all consequential arrears arising therefrom;

(iii) Direct the respondents to revise the applicant's pension and other retirement benefits payable on and with effect from 1.11.2007 on the basis of the pay to be granted in the Pay Band of Rs.9300-34800 with GP of Rs.4600/- and direct further to grant all the consequential benefits arising there from;

(iv) Direct the respondents to pay interest @ 12% per annum on (a) the arrears of pay and allowances from 1.1.2009 (b) the arrears of gratuity, commuted value of pension, leave salary etc. with effect from 1.1.09; © arrears of pension payable up to 31.12.2008 with effect from 1.1.09, and thereafter with effect from the date from which the arrears of pension fell due month after month – till the date of full and final settlement of the same; "

2. Counsel for the applicant submits that the applicant has not been paid the pay and allowances from 01.01.2006 in the capacity of Office Superintendent Grade I under the Revised Pay Rules, 2008 nor the terminal benefits fixed on the basis of such revised pay scale. According to the applicant, she is entitled to



the revised pay scale Rs.9300-34800 and the grade pay of Rs.4600/- from 1.1.2006 to 31.10.2007 with all consequential arrears arising therefrom.

3. The Senior counsel for the respondents invites our attention to pending case of O.A 927/2004 in which the question relates to the entitlement or otherwise of the applicant to the post of Office Superintendent Grade I from 1995 onwards. According to the Senior Counsel, if that O.A is dismissed and the order recalling the earlier promotion granted to the applicant be upheld by the Tribunal, the applicant may not be serving as Office Superintendent Grade I.

4. The counsel for the applicant, on his part, has invited our attention to the interim order passed by this Tribunal in M.A 423/2005 in O.A 927/04, dismissing the interim prayer. But the same has been upset by the Hon'ble High Court in Annexure A-3 order dated 16.11.2005 in W.P 27023/05 has attained finality. By that order, the applicant is entitled to the pay of Office Superintendent Grade I notwithstanding the fact that the O.A 927/2004 is still pending, as the same is in the nature of interim relief during the pendency of the said O.A.

5. We have considered the entire issue. The undisputed fact is that even if the promotion of the applicant is recalled with retrospective effect the applicant would have functioned in the post of Office Superintendent Grade II till her retirement. The post of Office Superintendent Grade II under the revised pay rules carries the pay scale of Rs.9300-34800 plus grade pay of Rs.4200/. As such, the minimum that the applicant has to get is the above pay scale with a

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grade pay of Rs.4200/- If the applicant succeeds in 927/04, pay scale remaining the same, the grade pay will be increased to Rs.4600/-. As such, interest of justice will be met if a direction is given to the respondents to re-fix the pay scale of the applicant under the 6<sup>th</sup> CPC viz; Rs.9300-34800/- with the grade pay of Rs.4200/- from 01.01.2006 and work out the same with corresponding increments till the date of retirement viz; 31.10.2007, and pay the difference between the amount already paid and the figure so arrived at. The pension and the terminal benefits should also be fixed accordingly. It has been stated by the counsel for the applicant that there is already an undertaking given by the applicant for refund of any excess payment. If necessity arises, the same can be executed. Let this order be complied with within two months. The O.A is disposed of accordingly.

(Dated, this the 12<sup>th</sup> day of April, 2012)

  
K. NOORJEHAN  
ADMINISTRATIVE MEMBER

  
DR.K.B.S RAJAN  
JUDICIAL MEMBER

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