

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.383/02

Wednesday this the 6th day of October 2004

C O R A M :

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR. H.P.DAS, ADMINISTRATIVE MEMBER

1. T.S.Mathew,
S/o.late T.Samuel,
Retired Mail Driver,
Southern Railway, Kollam.
Residing at Santhosh Bhavan,
Edathara Junction, Kalanjoor P.O.,
District Pathanamthitta.
2. N.Soman,
S/o.Narayanan,
Retired Mail Driver,
Southern Railway, Kollam.
Residing at Kallarathalakal,
Vilavoorkal, Malayinkal P.O.,
Thiruvananthapuram District.
3. G.Sukumaran,
S/o.late Govindan,
Retired Mail Driver,
Southern Railway, Kollam.
Residing at Muruga Bhavan,
Kalayanadu, Plachery P.O.,
Punalur.
4. P.Dharmarajan,
S/o.Pappu,
Retired Mail Driver,
Southern Railway, Kollam.
Residing at Rajnivas,
Thekkevila P.O., Kollam.

Applicants

(By Advocate Mr.T.N.Sukumaran)

Versus

1. Union of India represented by
the Secretary, Railway Board,
Indian Railways, New Delhi.
2. Chief Personnel Officer,
Southern Railway, Headquarters Office,
Chennai - 3.
3. Senior Divisional Personnel Officer,
Southern Railway, Thiruvananthapuram.

Respondents

(By Advocate Mr.Thomas Mathew Nellimoottil)

This application having been heard on 6th October 2004 the
Tribunal on the same day delivered the following :

O R D E R

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

The grievance of the applicants, who are retired Mail Drivers, is that on the upgradation of the post of Mail Driver from the scale Rs.1600-2660 to Rs.1640-2900 although they had exercised their option to have their pay refixed after accrual of the increment in the lower grade the benefit was not given to them and that they as a consequence started drawing less pay than compared to junior J.Hillari. The request made by the 3rd applicant for setting right the anomaly and stepping up of his pay on par with that of Hillari was not considered the applicants have jointly filed this application for a direction to the 3rd respondent to examine the case of applicants with reference to their seniority vis-a-vis Shri.J.Hillari referred in Annexure A-4 and set right the anomaly notionally by refixing their pay and consequential benefits to them. It has also been prayed that the 3rd respondent be directed to dispose of Annexure A-5 and similar representations.

2. The respondents in their reply statement contend that none of the applicants had submitted any option for refixation of pay on accrual of increment, and that Annexure A-2 relied on by the 1st applicant to show that he made such option is not available in the record. Regarding the remaining applicants the respondents states that no such option had been made by them and that Annexure A-5 representation alleged to have been made by the 2nd applicant has not been received by them. Since Hillari had his pay refixed on his option while the applicant have not been made any such option there is no anomaly to be set right and the application is only to be dismissed, contends the respondents.

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3. We have carefully gone through the pleadings and materials placed on record. We find that the applicant had produced Annexure A-2, an option, to have his pay in the scale Rs.1600-2660 with effect from 1.9.1995 the date of his increment in the lower scale. The genuineness of the signature and seal appearing on this document has not been disputed by the respondents but it is stated that the contents of this document are meaningless because the order of promotion Annexure R-1 having been issued on 29.12.1994 and the applicant having been joined on the post on 1.1.1995 the statement in Annexure A-2 that the applicant had shouldered higher responsibilities as Passenger Driver from 18.12.1994 is incredible. Be that as it may. Whether the date is 18.12.1994 or 1.9.1995 the 1st applicant's date of increment in lower scale is 1.9.1995. Had the 1st applicant exercised option within a period of one month from the date of his promotion in terms of Annexure R-1(3) the 1st applicant would have been entitled to refixation of his pay on 1.9.1995 the date on which he got the increment in the lower scale. Therefore the 3rd respondent has to examine the authenticity of Annexure A-2 and if it is found that the 1st applicant has submitted such an option, grant the 1st applicant the benefit of refixation of pay with effect from 1.9.1995 and the consequential benefits there under. Regarding the claim of the remaining applicants is concerned there is nothing on record to show that anyone of them had sought refixation of pay in the scale Rs.1600-2660 on accrual of the increment. It is also seen that the applicants 2-5 have not submitted any option. The representation alleged to have been submitted by the 2nd applicant (Annexure A-5) has not been received in their office, contends the respondents. The applicants have not been able to

establish that as a matter of fact Annexure A-5 representation has actually made by the 2nd applicant. The 2nd applicant's representation Annexure A-5 is not for refixation of his pay with effect from the date of his increment in the lower scale but it is only for clarity in pay with Hillari. Mr.Hillari started to draw higher pay because he got his pay refixed on accrual of his increment in the lower scale. Therefore there is no anomaly in fixation of pay of the applicants 2-4 which calls for stepping up of pay in the light of what is stated above. The claim of the applicants 2-4 fixation of pay on par with Hillari is rejected. The 3rd respondent directed to examine the authenticity of Annexure A-2 with reference to the documents available at Quilon and if it is found that the 1st applicant had submitted Annexure A-2, to have the 1st applicant's pay refixed with effect from 1.9.1995 after he draw the increment in the scale Rs.1600-2660 and to revise his pension and other benefits accordingly and to make available the applicant the consequential benefits. If it is found that Annexure A-2 is not a genuine document the decision taken by the 3rd respondent shall be communicated to the 1st applicant. The O.A. is disposed of with the above direction. The direction shall be complied with within a period of three months. No costs.

(Dated the 6th day of October 2004)

H.P.DAS

ADMINISTRATIVE MEMBER

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A.V.HARIDASAN
VICE CHAIRMAN