

## CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No. 167 of 1992

K.K. Bhatia &amp; 13 others . . . . . Applicants

Versus

Union of India &amp; 3 others . . . . . Respondents

Hon'ble Mr. S.N. Prasad, Member (J)

The applicants have approached this tribunal under section 19 of the Administrative Tribunals Act, 1985 with the prayer for directing the respondents to fix the pay of the applicants for the post <sup>~ of ~</sup> stock Verifier <sup>& Rly. Fundamental</sup> according to Rule 2018-B(F.R. 22-C) <sup>in</sup> the pay scale of Rs. 1400-2600/- with retrospective effect, after quashing the impugned order dated 14.11.1991 (Annexure-1) passed by the respondent no. 3 whereby the representation of the applicants has been rejected.

2. Succinctly, the facts of this case, inter alia, are that the applicants are the incumbents of the Railway Department rendering their performance in Accounts Branch in which out of these applicants, few have been retired and the main grievances of the applicants are to the effect that their pay has not been fixed according to above rules. Out of all these applicants, the applicant No. 1, 2, 5 & 14 were appointed on the post of Clerk Grade I in the pay-scale of Rs. 130-300 and remaining other applicants were initially entered in the service of the clerk respondents as Grade-II in the pay-scale of Rs. 60-120/-. <sup>^ have been laid down ^</sup> Criteria for promotion to the higher rank from Clerk Grade-II to Clerk-I and subsequently on the post of <sup>~ THE post of sub-head has ~</sup> Sub Head, As time to time been abolished and some time it was designated as selection Grade post and at present is being called as Accounts Assistant. Other posts

2  
Contd..2/-

:: 2 ::

having higher responsibilities are the post of Stock Verifier and 100% vacancies of the post of Stock Verifiers are being fulfilled amongst the Sub Heads/ Selection grade Clerks/Accounts Assistants. Prior to the report of 1st Central Pay Commission, the Stock Verifier was allowed higher pay-scale than that of Sub Heads. This position remained upto the report of the 3rd Pay-commission and the pay<sup>Scale</sup> of the Stock Verifier was declared higher than that of the Sub Heads. As in view of the admitted position, the Stock Verifier<sup>are</sup> are shouldering higher responsibilities in comparison to Sub Heads/Accounts Assistants. But, as per report of the 4th Pay-commission the pay scale of Sub-Heads and Stock Verifier has been fixed @ Rs. 1400-2600/- w.e.f. 1.1.86 and the persons like the applicants who have been performing the job having higher responsibilities has been hit-hard due to equalization<sup>Scale</sup> of the pay of the Sub Heads and Stock Verifier. Out of these applicants, the applicant No. 8 and 12 have already been retired after attaining the age of superannuation and have been deprived of the benefits of fixation of pay which have adversely affected their pension as well. The above applicants were promoted on the post of Stock Verifier on 2.7.87; 27.9.87; 4.12.86; 27.11.86; July, 87; 20.9.89; December, 86; 14.4.88; 1.11.90; 25.9.90; 25.5.90; 25.11.86; Feb. 1986 and 11.11.1990 respectively. It has further been stated that Railway Fundamental Rule 2018-B( of Indian Railway) ( F.Rule 22-C) clearly laid down the mode and manner in which the fixation of pay should be made, but despite repeated request and representation, nothing has been done in this regard and ultimately the joint representation of the applicants was<sup>rejected</sup> rejected.

∴ 3 (letter) ~

vide impugned order dated 14.11.1991 (Annexure-1), Hence the applicant have approached this tribunal for the reliefs as indicated above.

3. I have heard the learned counsel for the applicants and have thoroughly gone through the records of the case.

4. This is noteworthy that despite ample time and opportunity having been afforded to the respondents, no counter-affidavit has been filed by the respondents; hence the case has proceeded ex-parte against the respondents.

5. This is significant to point that a perusal of the letter dated 14.11.1991 Annexure 1 to the application which was written <sup>to</sup> by the S.A.O.W., N. Railway Alambagh Lucknow ( who is the respondent no. 4 in this case) <sup>to</sup> by the F.A. & C.A.O./Admn. N. Railway Baroda House, New Delhi <sup>would reveal that it</sup> is not a reasoned and speaking one and the same is reproduced below :-

"The joint representation dated 21.9.1991 of Stock Verifiers received under your letter cited above has been considered by this office & found that no new point has been raised by the Stock Verifiers in their representation. Hence you are requested to get the instruction contained in Rly. Board's letter No. PC-IV/91/3/1 dated 8.5.1991 circulated under this office letter of even number dated 10.7.91 noted by them and an acknowledgement to this effect may be sent to this office at an early date."

6. It is worth while making mention of this <sup>~ a perusal of ~</sup> fact that the Senior Accounts Officer (W) N. Railway, Alambagh, Lucknow <sup>dated 27.2.91</sup> vide <sup>Admn.</sup> his letter Annexure -6 which was addressed to the F.A. & C.A.O., N. Railway Baroda House, New Delhi ( who is respondent no. 3 in this case), shows

:: 4 ::

that in his above letter Annexure-6, Senior Accounts Officer (W) N. Railway, Alambagh, Lucknow remarked as follows :-

"In view of the fact that the post of Stock Verifiers involves assumption of higher duties and responsibilities than those attached to the post of Sub-head in terms of F.A.&C.A.O./Adm. letter No. 75/Adm/B-3/SV/Fixation dated 21.6.1982, the fixation under rule 2018-BFR-22(C)RII in the event of promotion from the post of sub-head to that of Stock Verifier as represented for seems to be admissible and justified. Further more the Board has also clarified vide his letter No. PC-IV/86/I II/2/42 dated 20.9.1988, that where the scales of pay are identical before and after the promotion, fixation in terms of Rule FR-22(C) is admissible. The scale of pay of both categories is (1400-2600)."

7. Thus, a perusal of Annexure-6 to the application as referred to above, shows that the Senior Accounts Officer (W) N. Railway Alambagh, Lucknow's view was affirmative to the joint representation of the applicants. But, the F.A.&C.A.O., N. Railway Baroda, House, New Delhi by his impugned letter dated 14.11.1991 (Annexure-1 to the application) found that no new point has been raised by the Stock Verifiers in their representation, but did not assigned any reason and also did not make mention or reference of the <sup>F.A.&C.A.O.</sup> ~~Board's~~ letter No. 75/Adm./B-3/54/fixation dated 21.6.1982 and Railway Boards letter No. P.C.IV/86/1/2/42 dated 20.9.1988.

8. Thus, after considering the entire material on record and keeping in view the circumstances of the case, I find that the above letter dated 14.11.1991 (Annexure-1) of the F.A. & C.A.O, Baroda House, New

contd...5/-

:: 5 ::

Delhi (who is respondent no. 3) is not a reasoned and speaking one and as such I find it expedient that the ends of justice would be met if the F.A.&C.A.O./ Admn.N. Railway, Baroda House, New Delhi (who is respondent No. 3 in this case) is directed to re-consider the joint representation of the applicants (Annexure-7), which was enclosed and forwarded to him by the Senior Accounts Officer (W/N, Railway Alambagh, Lucknow) alongwith his letter dated 27.2.1991 (Annexure-6 to the application), keeping in view the remarks of the Senior Accounts Officer (W/N, Railway Alambagh, Lucknow as contained in Annexure-6, by reasoned and speaking order and in accordance with extant rules and regulations and orders of the Railway Board's in this regard and to give the benefits to the applicants for which they are found entitled, within a period of 3 months from the date of receipt of the copy of this judgement ; and I order accordingly.

9. The application of the applicant is disposed of as above. No order as to costs.

  
Member (J)

12.1.93

Lucknow Dated: 12.1.1993.

(RKA )