

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
(LUCKNOW BENCH)  
LUCKNOW.

O.A. NO. 159 1990 (L)

I.A. NO.

Date of Decision

Shankar Arora, Esq. Petitioner.

Shri Satish Pandey Advocate for the  
Petitioner(s)

VERSUS

The Union of India Respondent.

Shri Anil Sinha Advocate for the  
Respondents

C O R A M

The Hon'ble Mr. Justice K. Chatterjee A.M.

The Hon'ble Mr. S. N. Bhattacharjee J.M.

1. Whether reporter of local papers may be allowed to see the Judgment ?
2. To be referred to the reporter or not ?
3. Whether to be circulated to other benches ?
4. Whether ~~to be~~ their Lordships wish to see the fair copy of the Judgment ?

VICE-CHAIRMAN/MEMBER

A7

THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH -

LUCKNOW.

J.A. No. 159 of 1990.

Shubh Narayan & one another..... Applicants.

Versus

Union of India & others..... Respondents.

Hon'ble Mr. K. Obayya - A.M.  
Hon'ble Mr. S.N. Prasad - A. M.

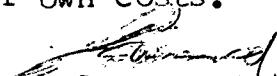
(Bu Hon'ble Mr. K. Obayya -A.M.)

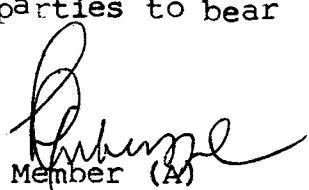
This case raises ~~xx~~ a short point. The applicants are employees with the Northern Railway. Initially their appointment was on the post of Khallasi and in due course they obtained the status of Temporary Railway Servant and put on C.P.C. scale of Rs. 196-232 as Khallasi. It would appear with effect from 15.7.86 they were put to work as Valve Man on Scale of Rs. 260-400 (950-1500) (Revised). However by the impugned order dated 11.4.90, they were put back to the scale of Rs. 196-232. Aggrieved by the above order, the applicants approached this Tribunal with a prayer that the order dated 11.4.90 be quashed and applicants be continued on the scale of Rs. 260-400 (950-1500) (Revised).

2. The application is resisted by the respondents, who have pointed out that the post of Valve Man is un-skilled post in the grade of Rs. 196-232. The Railway Board issued a letter on 13.11.82 by which the Artisan Staff was re-classified by which 50% of the existing strength of un-skilled categories was up-graded to Semi skilled grade of Rs. 210-290. In 1983 there was further development wherein by way of re-structuring, the Class IV posts, to the extent of 50% were up-graded from scales of Rs. 196-232 and Rs. 200-250. Not

satisfied with these scales, the Valve Men made a representation to the Railway Board which by letter dated 5.12.84 clarified that the Valvemen working in Grade 196-232 may be fitted either in terms of instructions contained in letter dated 13.12.82 or on the basis of re-structuring vide order dated 29.7.84. The matter was considered at Division level and the Divisional Superintendent Engineer Lucknow passed orders placing them on scale of Rs. 260-400 vide order dated 19.4.85. It is pointed out by the respondents that this scale was given by mistake and the entire matter was re-considered by D.R.M. who has taken into consideration the various circulars of the Railway Board and passed the orders cancelling the order dated 19.4.85 by which the scale of Rs. 260-400 was given to the Valveman. It would appear that number of petitions were moved by the Valvemen who were aggrieved by the grant of lower scale. Some of these petitions are still pending, and by virtue of stay orders against the lower pay Scale, the Valvemen are still continued on scale of Rs. 260-400. It is also pointed out that the Valvemen are not entitled for the grade of Rs. 260-400 and that the order dated 19.4.85 passed by the Divisional Superintendent Engineer, Lucknow, who was not competent authority on this issue, cannot be said to be a valid order as it is against the instructions of the Railway Board. It is also indicated that 50% of the posts of Valveman in Grade of Rs. 196-232 were up-graded to scale of Rs. 210-290 and as such the applicants who got the benefit of higher scale by wrong application of the instructions, are not entitled for the scale.

We have heard the learned counsel for the parties. It would appear that the question of fixation of proper grade to Valveman came up before the Railway Board from time to time and also P.N.M. considered during the year 1984. From the record, it is noticed that the post of Valveman was fixed on scale of ~~xxx~~ Rs. 210-290. In these circumstances it cannot be said that the applicants should be put back to the original scale of Rs. 196-232. Even if scale of Rs. 260-400 was not to be given to them as they were given that scale by mistake at the lower level without considering all aspect on the equation of the posts Vis-a-vis other Artisan posts in Semi-skilled and skilled grades etc. Having considered the facts of the case and also material on the record, the applicants undoubtedly were entitled for the scale higher than what was given to them i.e. 196-232, the scale above this is Rs. 210-290, the applicants are entitled for this scale. Accordingly we direct the respondents to fix the pay of the applicants in this scale (Rs. 210-290). As the amount already paid to them, was due to an error on the part of the Administration. The excess amount so paid in the higher scale Rs. 260-400 may not be recovered from the applicants. We also make it clear that if any junior of the applicants are already <sup>in</sup> on scale of Rs. 260-400, in such a case the applicants should be continued on that scale only. The application is allowed in above terms. The parties to bear their own costs.

  
Member (J)  
Dt: Oct. 21, 1992.  
(DPS)

  
Member (A)