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CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH LUCKNOW.

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Registration T.A.8 of 1990
(W.P. 8900 of 1986)

Surendra Mohan and others Applicants.

Versus

Union of India
and others Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. K. Obayya, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

This is transferred case under Section 29 of the Administrative Tribunals Act, 1985. By means of this application the applicant has prayed that a writ of mandamus be issued commanding the respondents to grant the scale of Rs. 1400-2300 to the applicant and others from the date of the enforcement of the new scales, with all consequential benefits. We have heard the applicant who is present in person. No one appeared for the Railway Administration. At this stage, we have no option but to decide the case after going through the records of the case and after hearing the applicant. The applicants were originally recruited as Electric Khalasi, in the unskilled cadre (Class-IV) in the Northern Railway, Charbagh Lucknow with effect from 19th June, 1960 and 23rd May, 1960. From the category of unskilled, the applicants and other similarly recruited persons were promoted to the Semi Skilled Category i.e. as Basic Trained Fitters. The next promotion was to the skilled job, but in the skilled job, there was bifurcation into three categories,

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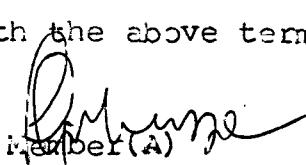
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namely Train Lighting Fitter, Skilled Wireman, and Skilled Lineman. The applicants were promoted to the skilled category of Train Lighting Fitter and Wireman in the year 1968 and 1973 respectively. After the skilled category, the promotion was to be made in two channels, either to the Highly Skilled Category (Fitter) or to the Electrician/Mistry Train Lighting. The category of Highly Skilled (Fitter) was further bifurcated into two categories, namely, the highly skilled-I and Highly Skilled Grade-II and the applicants were promoted to the Highly Skilled (Fitter) Grade-II and then Highly Skilled Grade-I (Fitter) in the year 1983 and 1980 respectively.

2. The grievance of the applicants is that several persons who were alongwith the applicants at the initial three stages, that is to say upto skilled jobs chose the other line of promotion i.e. Electrician-Mistry-Train Lighting and on the bifurcation of highly skilled categories, some were promoted to that line from highly skilled Grade-II and even some were transferred to that line from highly skilled (Fitter) Grade-I. Initially the scale of pay of the Highly Skilled Fitter Grade-I was Rs. 175-240 and the scale of pay of the Electrician/Mistry Train Lighting was Rs. 150-240. On the recommendations of the Third Pay Commission, the two scales namely Highly Skilled Grade-I and the Electrician/ Mistry were ~~completely~~ completely equalised and it became Rs. 380-560. From both the categories, the next promotion was to the post of Chargeeman, which carries the scale of Rs. 425-700. The Railway Board vide its order ~~dated~~ dated

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1.6.1985 directed some Mistries (Train Lighting Mistries) who had an independent charge of the gang or were supervising highly skilled workmen were granted Rs. 35/- per month as special pay w.e.f. 1.5.1984. On the recommendation of the IVth pay commission, a circular was issued on 24th September, 1986 sanctioning various revised scales to the various categories. In this revision of pay, the highly skilled Fitter Grade-I who were in the scale of Rs. 380-560 were granted the corresponding revised scale of Rs. 1320-2040, while the Train & Lighting Mistries were granted the scale of Rs. 1400-2300, a much higher scale and against this discrimination, the applicant has approached the Tribunal. The grievance of the applicants is that ~~some~~ applicants and Highly skilled Grade-I fitters have been discriminated being granted the lower grade and Articles 39 and 43 in this behalf have been breached. In our view, there appears to be no reason for giving a different pay scale. Accordingly, the respondents are directed to consider this question within a period of 3 months and in case, the functions, duties, and responsibilities are the same and there are no good grounds for giving different pay scale to the applicants the applicants shall not be given the same. Let a decision in this be taken by the respondents within a period of three months from the date of communication of this order. The application is disposed of with the above terms. No order as to costs.


Member (A)


Vice-Chairman

Dated: 15.9.1992

(n.u.)