

(A7)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH

LUCKNOW

O.A. No. 18/91

K.N. Dhawan and others

Applicants.

versus

Union of India & others

Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. A.B. Gorthi, Adm. Member.

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

The applicants ~~who~~ are Assistants in Hindi Section of R.D.S.O, Lucknow and in the cadre of non-gazette group B Ministerial. After recommendation of the IVth Pay Commission, ^{they} were placed in the scale of Rs 1400-2600. The Railway Board vide the order dated 7.8.90 revised Assistant grade of the scale of Railway Board Secretariat Service and Stenographer Grade C of Railway Board Secretariat Service to Rs 1640-2900, which scale was given to the applicants. But R.D.S.O. vide Dy. Director letter dated 1.1.91 passed the order changing the scale of the applicants to Rs 1400-2600, some few months after the said scale was given to such employees. The applicants, prior to 1.1.86 were in the revised scale of Rs ~~1400-2600~~ x 425-800 and after the recommendations of IVth Pay Commission it was revised to Rs 1400-2600 applicable to Assistants

of Railway Board Secretariat Service and Stenographers of Railway Board Secretariat Service and was revised to ~~Rs 1640-29~~²⁹⁰⁰ with effect from 1.1.86 vide Railway Board letter dated 10.8.90 according to which the revised grade of Rs 1640-2900 is also applicable to Assistant (Group B non gazetted) and Stenographers Grade C (Non gazetted group B) of R.D.S.O. On demand by the R.D.S.O. the applicants gave their option and their pay was fixed in the new scale of Rs 1640-2900 upto 31.12.90.

2. The respondents have resisted the application and have stated that the grade of Rs 425-800 was allowed to Assistant as well as Hindi Assistants by the IIIrd Pay Commission. The IVth Pay Commission did not make any mention or specific recommendation either in the case of Assistants or Hindi Assistants of Railway Board/ R.D.S.O., and based on normal scales recommended they were allotted normal replacement scale of Rs 1400-2600 which was applicable for all Ministries of the Govt. of India and thereafter on the clarification given by the Ministry of Finance the Railway Board revised the pay scale of Assistants and Grade 'C' Stenographers in the Railway Board Secretariat Services Grade 'C' etc. to the pay scale of Rs 1640-2900 w.e.f. 1.1.86. Later on the Railway Board clarified vide their letter dated 10.8.90 that the pay scale of Rs 1640-2900 is also applicable to Assistants working in R.D.S.O. also. Subsequen

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the Railway Board vide his letter dated 24.12.90 clarified that the Hindi Assistants like their counterparts in Railway Board's office are not entitled for the scale of Rs 1640-2900. It appears that this was done after communication received from Ministry of Finance who did not accept the scale for Hindi Assistants perhaps on the ground that the Hindi Assistants of Railway Board and R.D.S.O. are not participating in the Central Secretariat Stenographers/Assistants service, as the scale was recommended only for the Stenographers/ Assistants participating in Central Secretariat Stenographers 'C'/Assistants Service by the IV th Pay Commission.

Earlier a decision was taken by the Railway Board and if some objection was raised by the Finance Department, the matter should not have been entertained ~~to change~~ and the decision taken by the Railway Board, which is a statutory body. While taking the decision, the applicants were not apprised that there was any former or subsequent benefit wrongly extended to them. In case, the applicants could have been given an opportunity ^{of natural justice} requirement of rules would have been met.

In view of the fact after giving scale to the applicants and subsequently without taking their version the decision of the respondents ^{was} communicated to the applicant vide the impugned order dated 1.1.91, is ^{was} quashed with the direction that the applicant will give ^{his} version within a period of two weeks from the date of receipt of a copy of this judgment and the

respondents will decide the same within a period of 3 months and so long as the decision is not given, the status quo regarding pay scales shall be maintained without prejudice. A decision was taken before hand and as such the representation, which was made by the applicant, was of no consequence after they were not apprised of the grounds which led to the change.

The Application is disposed of with the above directions. No order as to costs.

Manoj Kumar
A.M.

V.C.
V.C.

Lucknow Dated: 19-9-91