

(b)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 743/87
T.A. No. _____

198

DATE OF DECISION 6-7-1992

C.R. Motormen's Association Petitioner

Mr. G.D. Samant Advocate for the Petitioner(s)

Versus

Union of India Respondent

Mr. V.G. Rege Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. Justice S.K.Dhaon, Vice-Chairman

The Hon'ble Mr. Ms.Usha Savara, Member(A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether in needs to be circulated to other Benches of the Tribunal ?

MD

Sly
(S.K.DHAON)

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(10)
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A.743/87

Central Railway Motormen's Association
through J.K.Pendse(General Secretary)
C/o. Shri D.R.Manekjee,
Patanwala Mahal,
Patanwala Road,
Byculla,
Bombay - 400 027.

.. Applicant

vs.

1. Union of India
through
The Secretary,
Railway Board,
Rail Bhavan,
New Delhi.

2. The General Manager,
Central Railway,
Bombay V.T.
Bombay - 400 001.

.. Respondents

Coram: Hon'ble Shri Justice S.K.Dhaon,
Vice-Chairman

Hon'ble Ms.Usha Savara,
Member(A)

Appearances:

1. Mr.G.D.Samant
Advocate for the
Applicant.

2. Mr.V.G.Rege,
Counsel for the
Respondents.

ORAL JUDGMENT: Date: 6-7-1992
(Per S.K.Dhaon, Vice-Chairman)

By means of this application

✓ Motormen working in the Central Railway have approached this Tribunal in a representative capacity. Their grievance is that the recommendation of the IVth Pay Commission which was made on 1st July, 1986 is not being implemented by the respondents. (The railway administration)

2. It appears that the IVth Pay Commission recommended that Driver 'A' special for superfast, mail/express and passenger trains above 250 kms. and motormen (Rs.700-900SG) (Rs.550-750) should be given revised scale of pay viz. Rs.1640-2900. It is the ~~as~~ applicants case

✓ that on or before 1st July 1986, most of them were in the pay scale of Rs.550-750. Their case is that, while implementing the recommendation, the railway administration put them in the pay scale of Rs.1600-50-2300-EB-60-2660. According to them, the respondents acted arbitrarily in doing so.

3. We have heard the counsel for the railway administration. We have also seen and carefully perused Annexure 'C' to the application, which, according to the applicants themselves, is the revised pay scales for certain categories fixed by the railway administration on the basis of the recommendation of the IVth Pay Commission. We find that Driver 'A1' Special (Superfast, Mail Express Trains) alone have been given the revised pay scale of Rs.1640-2900. It is thus clear that the railway administration has not accepted the recommendation of the IVth Pay Commission that the Drivers of Passenger Trains above 250kms. should be given the scale of Rs.1640-2900. We also find that the applicants have been put at par with the Driver 'A' special of Passenger Trains above 250 kms. in so far as all of them have been put in the pay scale of Rs.1600-2660. We are therefore driven to the inevitable conclusion that the Railway administration, while implementing the recommendation of IVth Pay Commission, neither acted arbitrarily nor irrationally.

4. Counsel for the applicant relied upon an office order dt. 7-3-86. According to this order in terms of Rly. Board's letter dt. 25.6.85 40% of Motormen Gr. Rs.550-700(RS) have been upgraded as Driver 'A' Spl. in the scale of Rs.550-750(RS). Accordingly 138 posts of motormen

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have been upgraded to Gr.Rs.550-750(RS) w.e.f.

1.1.84. According to him, the motormen who had been given a particular scale on 7.3.86 have

✓ actually not gained at all by ~~at~~ the implementation of the recommendation of the IVth Pay Commission by the Railway administration. We may note that, firstly, the decision of the Railway Board in not accepting the recommendation of the IVth Pay Commission vis-a-vis the motormen was a policy decision and therefore in the absence of either ✓ arbitrariness or malafides ~~on~~ the part of any particular ✓ officer there is no ~~any~~ scope for any interference by us. Secondly, the Motormen were given a revised scale of pay only on 7th March, 1986 and the ✓ recommendation of IVth Pay Commission ~~was~~ came just few months thereafter. That may have been ✓ the reason why the respondents did not consider it necessary to interfere with the arrangements already made on 7th March, 1986.

5. No ground exists for interference by us in this application.

6. The application is dismissed.

Usha Savara
(USHA SAVARA) ^{6.7.82}
Member(A)

S.K.Dhaon
(S.K.DHAON)
Vice-Chairman

MD