

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BANGALORE

DATED THIS THE 3RD DAY OF APRIL 1987

Present : Hon'ble Justice K.S.Puttaswamy .. Vice-Chairman

Hon'ble Shri L.H.A.Rego ,. Member (A)

Application No. 1488/86

J.S.Prasad,  
Son of R.J. Prasad,  
aged about 49 years,  
working as crane Maistry,  
Loco Shed, Mysore,  
SOUTHERN RAILWAYS.

.. APPLICANT

( Shri.K.S.Subbarao, Advocate)

Vs.

1. The Union of India  
represented by its  
Secretary to Railways,  
NEW DELHI.

2. The General Manager,  
Southern Railways,  
MADRAS.

3. The Divisional Railway Manager,  
Southern Railways,  
MYSORE.

.. Respondents.

(Shri A.N.Vanugopal, Advocate)

The application has come up for hearing before  
this Tribunal today. The Vice-Chairman made the following :

O R D E R

This is a transferred application and is received  
from the High Court of Karnataka under Section 29 of  
the Administrative Tribunal Act, 1985.

2. Prior to 1.8.1978, the applicant was working as  
a Crane Mistry. On 13.11.1982, the Railway Board ('Board')  
issued instructions which are published in the Southern  
Railway Gazette dated 1.1.1983 (Annexure-A) reclassifying

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certain semi-skilled posts in the Railways as 'skilled' with a direction that the benefit of such reclassification and revised pay should be accorded to those categories on proforma basis w.e.f. 1.8.1978.

3. The applicant claimed that the post held by him was a semi-skilled post and has been reclassified by the Board as 'skilled' and he is therefore entitled for the benefit of the revised scale of Rs.260-400 on pro forma basis with effect from 1.8.1978. As the respondents did not accede to same the applicant, approached the High Court of Karnataka in U.P.No.10574/85 which on transfer has been registered as A.No.1488/86.

4. In their statement of objections filed before the High Court, the respondents have asserted that the post held by the applicant was not a semi-skilled post and had not been reclassified as a 'skilled' post and therefore he was not entitled for the benefit of the revision of pay scales from 1.8.1978.

5. Shri K.S.Subba Rao, learned counsel for the applicant, contends that the post held by his client as on 1.8.1978 was semi skilled post and the same had been reclassified as a 'skilled' post by the Board in its Order dated 13.11.1982 (Annexure-A) and therefore ~~the~~ was entitled for the benefit of the revised scale of pay of Rs.260-400 on pro forma basis from 1.8.1978.

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6. Shri A.N. Venugopal, learned counsel for the respondents, contends that the post held by the applicant was not a semi-skilled post and the same had not been reclassified as a 'skilled' post to entitle him for the benefit of revised scale of Rs.260-400 on pro forma basis from 1.8.1978.

7; In the order made by the Board, published in the Gazette dated 1.8.1983, the post held by the applicant, viz., Crane Mistry, had not been indicated as a semi-skilled post. On the basis of this order we cannot hold in favour of the applicant.

8. In their statement of objections, the respondents have pleaded that the post held by the applicant as on 1.8.1978 was not a semi-skilled post and had not been reclassified as a 'skilled' post. In rebuttal of this assertion, the applicant had not produced any evidence to hold otherwise. Even otherwise, the evidence placed by Shri Subbasao at the hearing of the case, viz., Memo No. Y/P 524/V/2 dated 30.1.1986 issued by the Divisional Office, Southern Railway, far from supporting the case of the applicant, supports the case of the respondents. We, therefore, see no ground to accept the case of the ~~respondents~~ applicant. If that is so, we must necessarily accept the plea of the respondents and reject the claim of the applicant.

9. As all the contentions urged for the applicant fail, this application is liable to be dismissed. We, therefore, dismiss this application. But in the circumstances, of the case, we direct the parties to bear their own costs.

*[Signature]*  
VICE CHAIRMAN 3/4/1987

*[Signature]*  
MEMBER(A) 3.4.87