

REGISTERED/AD

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

COMMERCIAL COMPLEX(BDA),
INDIRANAGAR,
BANGALORE - 560 038

Application No. 1490 /86(T)

(WP No. 11279 /1985

Applicant

Versus

Respondent

Vasudev

G.M., S.C. Rly & Co.

To

Sl. S.R. Bannurmath, Advocate,
57, Laxmi Nagar, 5th Cross,
Vasanth Nagar,
Bangalore - 5

REGISTERED/AD

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Take notice that W.P.No 11279/85 on the file of the High Court of Karnataka, Bangalore, transferred to this Tribunal under Section 29 of the Administrative Tribunals Act, 1985, and registered as Application No. 1490 /86(T) is posted for Hearing/~~Final~~ Hearing on 12-1-87. You are directed to appear on the said hearing date, failing which the matter will be heard in your absence.

By Order

Date : 15-12-86

[Signature]
Section Officer
(JUDICIAL II)

Balu**

[Signature]
15/12/86

REGISTERED/AD

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:

BANGALORE BENCH:

ApIn.No.1490/1986 (T)

Applicant: Vasudev R.Kittor

/vvs//

Respondents: General Manager,
S.C.Rly, and others.

I N D E X

page Nos.

1. Statement of reply
2. Annexure-I, A true copy of the letter
~~of the~~ No.E(NG)1-78/PM/1/3/5 dated:
15.6.1979 of the Railway Board.
3. Annexure-II- A true copy of the
letter No.H/P.535/III/15- Vol-
XIII dated:14.3.1985 of the
Railway Board.

Place: Bangalore

Dated: 27.3.87

W. Sree B. S. H.

Advocate for Respondents 1 & 2.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE BENCH:

Appln.No.1490/1986 (T)

Applicant: Vasudev R.Kittor

/vs/

Respondents: General Manager,
S.C.Railway,
and others.

...

The respondents named above beg to file the following statement of reply to the above application.

1. Regarding para 1 of the Application:

The allegation made in para 1 of the application are correct.

2. Regarding Para 2 of the Application:

It is true that the provisional seniority list of Ticket Checking/Ticket Collectors in grade Rs.330-560 (Rs)& Rs.260-400 (Rs) (bearing No.H/P.612 III/TTES) was issued on 20.12.82 (as the two grades Rs.150.240 & 130-212 (RS) were merged into single grade Rs.330-560 (Rs) effect from 1.1.73) and the Applicant was placed at Sl.No.29 and both the respondents Nos.3 & 4 were placed below the Applicant at Sl.Nos.97 & 138.

3. Regarding para 3 of the Application:

The contention of the applicant that the instructions issued in Rly.Bd's letter No.78/E/RLT/4 of 22.6.79 are only a specific regulation applicable to protect the reasonable emoluments drawn by such employees so that no hardship is caused, is not correct. His further contention that these instructions

..2/-

M. S. R. Singh

of Railway Board are applicable to medically decategorised employees who have occupational contacted deceases and that they are only eligible for equivalent grade (since they are medically incapacitated due to the occupational hazards) is not correct. Rule 2614 of Chapter XXVI of Railway Establishment Manual, clearly envisages that the medically decategorised staff absorbed in the alternative posts, whether in the same or other cadres should be allowed seniority in the grade of absorption with reference to the length of service rendered in the equivalent or corresponding grade irrespective of rate of pay fixed in the grade of absorption. To gain advantage, the applicant is intentionally avoiding any reference to this Rule.

4. Regarding para ~~no~~ 4 of the Application:

The respondents 3 & 4 were absorbed initially in grade Rs.260-400 (Rs) pending absorption in the equivalent grade as stated above, as there were no vacancies in the equivalent grade. In accordance with Rly. Bd's letter No.E(NG)I 80 SR 6/83 dt: 5.3.81, review was conducted and according, the absorption of the respondent No.3 as Ticket Collector in grade Rs.260-400 (RS) was reviewed and was absorbed in equivalent grade Rs.425-640 (RS) and he was working as Guard in grade Rs.330-530 on pay Rs.390/- prior to his medically unfitness. In this connection, list of stationery categories

to be treated as equivalent after adding 30% of basic pay is advised by Railway Board under their letter No.E(NG)I-78/PM/1/3/5 dt:15.6.79, A true copy of the same is produced herewith and marked as Annexure-I.

5. Regarding para 5 of the Application:

The contention of the Applicant that the Respondent No.4 namely Sri.Shoukat Ali was also absorbed in grade Rs.425-640(RS) is not correct.

REGARDING GROUNDS URGED IN THE APPLICATION

6. Regarding para 6 of Application:

The contention of the Applicant is not correct.

7. Regarding para 7 of the application:

The respondents 3 & 4 are not Juniors as contended by the Applicant. They were absorbed as Ticket Collectors in scale Rs.260-400 initially, pending occurrence of vacancies in the equivalent grade and stationery categories as already mentioned at Annexure 'I'. When the vacancies in the equivalent grades and categories occurred, the respondent No.3 only was absorbed in grade Rs.425-640 w.e.r.1.1.84 giving all the benefits, applicable to such absorption namely seniority fixation of pay etc. Hence, his absorption in Grade Rs.425-640(RS) is in order and in accordance with rules. Further, his promotion order as Head Travelling Ticket Examiner with effect from 1.9.80 was cancelled vide letter No.H/P.535/III/15/Vol.III of 14.3.85. A true copy of the said

letter produced herewith and marked as Annexure-II and he will be considered for absorption in equivalent grade Rs.425-640(RS) from 1.9.80 on regular basis, if found fit in the selection. And also he will be given further advancement if eligible and found suitable.

8. Regarding para 8 of the application:

All norms and rules applicable to the method of absorption of medically decategorised staff in the alternative equivalent posts as envisaged in Railway Bd's letter and Rly. Establishment Code, have been correctly followed. The Respondents 3 and 4 were absorbed initially in the lower grade than that of the applicant as there were no vacancies in equivalent posts to the posts which the respondents 3 and 4 were holding prior to their medical decategorisation as already stated in the foregoing paragraph. Subsequently, they were given the grade equivalent to that of the applicant as per rules in force when regular vacancies occurred. Hence, the order No. C/73/84 dt:20.10.84, produced by the Applicant at Annexure B is in order and deserve's to be upheld.

9. Regarding para 9 of the Application:

The contentions of the applicants that the medically decategorised staff are eligible for only protection of pay in the absorbed category is not correct. As per rule 2614 of the Indian Railway Establishment Manual, the medically

decategorised staff absorbed in alternative equivalent posts, whether in the same or other cadres, should be allowed seniority in the grade of absorption with reference to the length of service rendered in the equivalent or corresponding grade irrespective of the pay fixed in grade of absorption. The applicant has conveniently avoided to refer to this rule.x

10. Regarding para 10 of the Application:

The contention of the applicant that the benefit of equivalent grade be given only to the medically unfitted staff who have been incapacitated due to occupational contacted diseases is not correct . All categories of staff including Running staff who are medically incapacitated to perform the duties of the posts which they occupy should be provided with alternative appointments which must be of suitable nature and on reasonable emoluments having regard to the emoluments previously drawn by them prior to their medical incapacitation.

11. Regarding para 11 of the application:

In the Chapter XXVI of Indian Railway Establishment Manual, it is stated as under:-

" Alternative employment must be found in the case of permanent and temporary Railway servants. Medically decategorised staff may as far as possible be absorbed in such alternative posts which should be broadly be in allied categories where their background

and experience in earlier posts could be utilised. There should be no difficulty in providing such alternative employment and no reversion of any official Railway servant for the purpose of absorbing the disabled Railway servant should be necessary". Keeping in view this Rule, the respondents 3 & 4, who were holding the posts of Guards, were absorbed in the alternative posts of Ticket Collectors and then Travelling Ticket Examiners so that their knowledge of the Running staff can best be made use of. By absorbing them as Travelling Ticket Examiners, the Applicant is not reverted. Hence, the office order absorbing them in the Ticket checking category is in order and in accordance with rules in force and needs no revision.

12. Regarding Para 12 of the Application:

Here again it is stated that the applicant has erred in interpreting the Railway Board's instructions incorrectly. The respondents 1 & 2 have correctly followed the instructions issued by the Railway Board in their letter No.E(NG)I 80 SR 6/83 of 5.3.1981. A true copy is produced herewith is marked as Annexure-III.

13. Regarding para 13 of the application:

As already stated in the foregoing paragraph, all medically de-categorised staff should be absorbed in the alternative posts. As such, the contention of the applicant distinguishing among the medically

de-categorised staff is not correct.

14. Regarding para 14 of the Application

The respondents 1 & 2 have acted legally and in accordance with the provisions of the Rules and according to the principles of natural justice.

15. Regarding para 15 of the Application:

In as much as the respondents 3 & 5 are eligible for absorption in grade Rs.425-640 (Rs), the case of respondent No.3 was reviewed in terms of Rly.Bd's letter No.E(NG)11-79 RE 3/J dated: 22.5.79 and accordingly he was absorbed in grade Rs.425-640 with effect from ~~12~~ 1.9.1980 is the date of the occurrence of the 1st vacancy in scale Rs.425-640 (R) vide Annexure 'B' produced by the applicant. However, for administrative reasons, this order was subsequently cancelled vide Annexure-II, as the respondents 3 & 4 are required to be subjected to selection as per rules. Hence, the grouse of the applicant that he will become junior is not in correct and justified. If the interim order as prayed for by the applicant is granted, the respondents 3 & 4 who are put to untold suffering due to medical de-categorisation will put to further irreparable loss and injury as they will not be promoted to equivalent posts, which they are legally entitled to.

16. Regarding para 16 of the application:

In view of what is stated in the foregoing

paragraphs, the applicant is not entitled to any relief.

Wherefore the Respondents 1 and 2 respectfully prays that this Hon'ble Tribunal may be pleased to dismiss the above application with costs in the ends of justice.

Advocate for
Respondents 1 & 2

for and on behalf of
the Respondents 1 & 2

(Signature with Designation)

मंडल कार्मिक अधिकारी
Sr. Divl. Personnel Officer

VERIFICATION

I, K. Thiagarajan do hereby declare that what is stated above is true to the best of my knowledge, information and belief.

Place: Hubli

Dated: 23/3/87

Signature with
Designation

मंडल कार्मिक अधिकारी
Sr. Divl. Personnel Officer

EXHIBIT-II

SOUTH CENTRAL RAILWAY
No.H/P.535/III/15/Vol.XIII.

Divisional Office,
Personnel Branch,
Hubli, dt. 14.3.1985.

MEMORANDUM

Sub: Absorption of Sri.S.G.Yeri as
HTTE on Medical unfitness.

O.O.No.C/9/85 of 18.2.1985 issued absorbing Sri.S.G.Yeri as HTTE in grade Rs.425-640 (Rs) on regular basis with effect from 1.9.80 is hereby cancelled. He will be considered for absorption in grade Rs.425-640 w.e.f.1.9.80 if found fit in the selection.

(BY ORDERS)

sd/-
for Sr.Divl.Personnel Officer/
Hubli

C/-DCS/UBL and DAO/UBL
C/-Shri.S.G.Yeri/thro' CTI/UBL
C/-CTI/UBL and SS/UBL
C/-P/file & O.O.Book Bills Sec

SOUTH CENTRAL RAILWAY
No.H/P.535/III/15/Vol.XIII.

Divisional Office,
Personnel Branch,
Hubli, dt.18.2.85.

O.O.No.C/9/85

Sub: Absorption of Sri.S.G.Yeri, a HTTE on Medical unfitness.

...

In partial modification of this office O.S.No. C/73/84 of 20.10.84, Sri.S.G.Yeri Gd 'C' who was medically unfitted and absorbed as HTTE in scale Rs.425-640 on adhoc basis, is now absorbed as HTTE in scale Rs.425-640 on regular measure w.e.f. 1.9.80 ie the date of occurrence of rist vacancy in scale Rs.425-640 after his medical unfitness and pay fixed as under:-

Pay	Scale	w.e.f.
Rs.515/-5PP	425-640	1-9-80 (Proforma) duly taking into account 30% of pay of Rs.400/- in lieu of running allowance).
Rs.530/-	-do-	1.9.81 (Proforma)
Rs.545/-	-do-	1.9.82 (-do-)
Rs.560/-	-do-	1.9.83 (")
Rs.580/-	-do-	1.9.84 (")

Arrears are payable w.e.f.1.1.84

C/-DCS/UBL & DAO/UBL.
C/-Sr.S.G.Yeri thro' SS/uBL, P/File & O.O.Book.

sd/-
Sr.DPO/UBL

PERSONNEL BRANCH
SERIAL CIRCULAR No. 98/79

LETTER No. P(R) 605/II
Dated 11.7.1979

No. 275 - Comparison of grades of Running staff with stationary categories.

A copy of Railway Board's letter No. E(NG)I-78 PM 1/305 dated 15-6-79 is published for information and guidance.

Complaints have been received from time to time from running staff that when they have to compete for promotion with non-running categories they are often not selected and placed on the panels or get very low positions on the panels because of their scale of pay being the lowest among the other eligible categories. The Railway Board after careful consideration decided that this disadvantage should be removed by adding to the pay scales of the running staff roughly 30% of the same (in lieu of running allowance) for the purpose of comparison with non-running categories for promotions/selections. The occasion for comparison normally arises in the following grades, where equivalence of grades should be taken as below:-

	Actual Scale	Scale of stationary category to be treated as equivalent after adding 30%
Guard 'A' Spl.	Rs. 425-640	Rs. 550-750
Guard 'A'	Rs. 425-600	
Guard 'B'	Rs. 330-560	Rs. 455-700
Guard 'C'	Rs. 330-530	Rs. 425-640
Driver 'A' Spl.	Rs. 550-750	Rs. 700-900
Driver 'A'	Rs. 550-700	
Driver 'B'	Rs. 425-640	Rs. 550-750
Driver 'C'	Rs. 330-560	Rs. 455-700

True copy

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:

BANGALORE BENCH:

APln.No.1490/1986 (T)

Applicant: Vasudev R.Kittor

/vvs//

Respondents: General Manager,
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2. Annexure-I, A true copy of the letter of ~~the~~ No.E(NG)1-78/PM/1/3/5 dated: 15.6.1979 of the Railway Board.
3. Annexure-II- A true copy of the letter No.H/P.535/III/15- Vol- XIII dated:14.3.1985 of the Railway Board.

Place:

Advocate for Respondents 1 & 2.

Dated:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE BENCH:

Appln.No.1490/1986 (T)

Applicant: Vasudev R.Kittor

/vs/

Respondents: General Manager,
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3. Regarding para 3 of the Application:

The contention of the applicant that the instructions issued in Rly.Bd's letter No.78/E/RLT/4 of 22.6.79 are only a specific regulation applicable to protect the reasonable emoluments drawn by such employees so that no hardship is caused, is not correct. His further contention that these instructions

of Railway Board are applicable to medically decategorised employees who have occupational contacted deceases and that they are only eligible for equivalent grade (since they are medically incapacitated due to the occupational hazards) is not correct. Rule 2614 of Chapter XXVI of Railway Establishment Manual, clearly envisages that the medically decategorised staff absorbed in the alternative posts, whether in the same or other cadres should be allowed seniority in the grade of absorption with reference to the length of service rendered in the equivalent or corresponding grade irrespective of rate of pay fixed in the grade of absorption. To gain advantage, the applicant is intentionally avoiding any reference to this rule.

4. Regarding para 4 of the Application:

The respondents 3 & 4 were absorbed initially in grade Rs.260-400 (Rs) pending absorption in the equivalent grade as stated above, as there were no vacancies in the equivalent grade. In accordance with Rly.Bd's letter No.E(NG)I 80 SR 6/83 dt: 5.3.81, review was conducted and according, the absorption of the respondent No.3 as Ticket Collector in grade Rs.260-400 (RS) was reviewed and was absorbed in equivalent grade Rs.425-640 (RS) and he was working as Guard in grade Rs.330-530 on pay Rs.390/- prior to his medically unfitness. In this connection, list of stationery categories

to be treated as equivalent after adding 30% of basic pay is advised by Railway Board under their letter No. E(NG) L-78/PM/1/3/5 dt:15.6.79. A true copy of the same is produced herewith and marked as Annexure-I.

5. Regarding para 5 of the Application:

The contention of the Applicant that the Respondent No.4 namely Sri. Shoukat Ali was also absorbed in grade Rs.425-640 (RS) is not correct.

REGARDING GROUNDS URGED IN THE APPLICATION

6. Regarding para 6 of Application:

The contention of the Applicant is not correct.

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The respondents 3 & 4 are not Juniors as contended by the Applicant. They were absorbed as Ticket Collectors in scale Rs.260-400 initially, pending occurrence of vacancies in the equivalent grade and stationery categories as already mentioned at Annexure 'I'. When the vacancies in the equivalent grades and categories occurred, the respondent No.3 only was absorbed in grade Rs.425-640 w.e.f.1.1.84 giving all the benefits, applicable to such absorption namely seniority fixation of pay etc. Hence, his absorption in Grade Rs.425-640 (RS) is in order and in accordance with rules. Further, his promotion order as Head Travelling Ticket Examiner with effect from 1.9.80 was cancelled vide letter No.H/P.535/III/15/Vol.III of 14.3.85. A true copy of the said

letter produced herewith and marked as Annexure-II and he will be considered for absorption in equivalent grade Rs.425-640 (RS) from 1.9.80 on regular basis, if found fit in the selection. And also he will be given further advancement if eligible and found suitable.

8. Regarding para 8 of the application:

All norms and rules applicable to the method of absorption of medically decategorised staff in the alternative equivalent posts as envisaged in Railway Bd's letter and Rly. Establishment Code, have been correctly followed. The Respondents 3 and 4 were absorbed initially in the lower grade than that of the applicant as there were no vacancies in equivalent posts to the posts which the respondents 3 and 4 were holding prior to their medical decategorisation as already stated in the foregoing paragraph. Subsequently, they were given the grade equivalent to that of the applicant as per rules in force when regular vacancies occurred. Hence, the order No. C/73/84 dt:20.10.84, produced by the Applicant at Annexure B is in order and deserve's to be upheld.

9. Regarding para 9 of the Application:

The contentions of the applicants that the medically decategorised staff are eligible for only protection of pay in the absorbed category is not correct. As per rule 2614 of the Indian Railway Establishment Manual, the medically

decategorised staff absorbed in alternative equivalent posts, whether in the same or other cadres, should be allowed seniority in the grade of absorption with reference to the length of service rendered in the equivalent or corresponding grade irrespective of the pay fixed in grade of absorption. The applicant has conveniently avoided to refer to this rule.x

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Here again it is stated that the applicant has erred in interpreting the Railway Board's instructions incorrectly. The respondents 1 & 2 have correctly followed the instructions issued by the Railway Board in their letter No. E(NG) I 80 SR 6/83 of 5.3.1981. A true copy is produced herewith is marked as Annexure-III.

13. Regarding para 13 of the applications:

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de-categorised staff is not correct.

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The respondents 1 & 2 have acted legally and in accordance with the provisions of the Rules and according to the principles of natural justice.

15. Regarding para 15 of the Application:

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16. Regarding para 16 of the application:

In view of what is stated in the foregoing

paragraphs, the applicant is not entitled to any relief.

Wherefore the Respondents 1 and 2 respectfully prays that this Hon'ble Tribunal may be pleased to dismiss the above application with costs in the ends of justice.

M. Sree Ragh
Advocate for
Respondents 1 & 2

for and on behalf of
the Respondents 1 & 2

K. Manoj
(Signature with Designation)

Sr. Divl. Personnel Officer

VERIFICATION

I, *K. Thiagarajan* do hereby declare that what is stated above is true to the best of my knowledge, information and belief.

Place: Hubli

Dated: 23/3/87

K. Manoj
Signature with
Designation

Sr. Divl. Personnel Officer

EXHIBIT-II

SOUTH CENTRAL RAILWAY
No.H/P.535/III/15/Vol.XIII.

Divisional Office,
Personnel Branch,
Hubli, dt. 14.3.1985.

MEMORANDUM

Sub: Absorption of Sri.S.G.Yeri as
HTTE on Medical unfitness.

O.O.No.C/9/85 of 18.2.1985 issued absorbing Sri.S.G.Yeri as HTTE in grade Rs.425-640(Rs) on regular basis with effect from 1.9.80 is hereby cancelled. He will be considered for absorption in grade Rs.425-640 w.e.f.1.9.80 if found fit in the selection.

(BY ORDERS)

sd/-
for Sr.Divl.Personnel Officer/
Hubli

C/-DCS/UBL and DAO/UBL
C/-Shri.S.G.Yeri/thro' CTI/UBL
C/-CTI/UBL and SS/UBL
C/-P/file & O.O.Book Bills Sec

SOUTH CENTRAL RAILWAY
No.H/P.535/III/15/Vol.XIII.

Divisional Office,
Personnel Branch,
Hubli, dt.18.2.85.

O.O.No.C/9/85

Sub: Absorption of Sri.S.G.Yeri, a HTTE on Medical unfitness.

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In partial modification of this office O.S.No. C/73/84 of 20.10.84, Sri.S.G.Yeri Gd 'C' who was medically unfitted and absorbed as HTTE in scale Rs.425-640 on adhoc basis, is now absorbed as HTTE in scale Rs.425-640 on regular measure w.e.f. 1.9.80 ie the date of occurrence of rist vacancy in scale Rs.425-640 after his medical unfitness and pay fixed as under:-

Pay	Scale	w.e.f.
Rs.515/-5PP	425-640	1-9-80 (Proforma) duly taking into account 30% of pay of Rs.400/- in lieu of running allowance).
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Rs.545/-	-do-	1.9.82 (-do-)
Rs.560/-	-do-	1.9.83 (")
Rs.580/-	-do-	1.9.84 (")

Arrears are payable w.e.f.1.1.84

C/-DCS/UBL & DAO/UBL.
C/-Sr.S.G.Yeri thro' SS/UBL, P/File & O.O.Book.

sd/-
Sr.DPO/UBL

PERSONNEL BRANCH
SERIAL CIRCULAR No. 98/79

LETTER No.P(R)605/II
Dated 11.7.1979

No. 275 - Comparison of grades of Running staff with stationary categories.

A copy of Railway Board's letter No. E(NG)I-78 PM 1/305 dated 15-6-79 is published for information and guidance.

Complaints have been received from time to time from running staff that when they have to compete for promotion with non-running categories they are often not selected and placed on the panels or get very low positions on the panels because of their scale of pay being the lowest among the other eligible categories. The Railway Board after careful consideration decided that this disadvantage should be removed by adding to the pay scales of the running staff roughly 30% of the same (in lieu of running allowance) for the purpose of comparison with non running categories for promotions/selections. The occasion for comparison normally arises in the following grades, where equivalence of grades should be taken as below:-

	Actual Scale	Scale of stationary category to be treated as equivalent after adding 30%
Guard 'A' Spl.	Rs. 425-640	Rs. 550-750
Guard 'A'	Rs. 425-600	
Guard 'B'	Rs. 330-560	Rs. 455-700
Guard 'C'	Rs. 330-530	Rs. 425-640
Driver 'A' Spl.	Rs. 550-750	Rs. 700-900
Driver 'A'	Rs. 550-700	
Driver 'B'	Rs. 425-640	Rs. 550-750
Driver 'C'	Rs. 330-560	Rs. 455-700

True copy

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE 21ST AUGUST, 1987

Present: Hon'ble Justice Shri K.S. Puttaswamy Vice-Chairman
Hon'ble Shri P. Srinivasan Member (A)

APPLICATION NO. 1490/86

Sri Vasudeo s/o Rudrappa Kittur,
Age: Major, Occupation: Service,
R/o Gadag, District Dharwar. Applicant

(Shri G.S. Srikantaiah Gowda... Advocate)

1. The General Manager,
South Central Railways,
SECUNDRABAD (A.P.)
2. The Divisional Railway Manager,
South Central Railway,
H U B L I
Dist: Dharwar.
3. Sri S.G.Yeri,
Age: Major, occupation: Service,
R/o Hubli, Senior Ticket Collector
South Central Railway,
Hubli Dist: Dharwar.
4. Sri Shoukat Ali,
Age: Major, Senior Ticket Collector
South Central Railway, Gadag,
Dist: Dharwar.

Respondents

(Shri M. Sreerangaiah.....Advocate)

This application has come up for hearing before
this Tribunal to-day, Hon'ble Member (A) made the
following :

O R D E R

This application originated as W.P. No.
11279 of 1985 before the High Court of Karnataka.

2. The applicant who joined the Railways on
13.3.1955 as a Class III employee was promoted
as Ticket Collector ('TC') in the scale of Rs.
425-640 in 1983. Respondents 3 and 4 ('R3 and
'4) entered service in Class IV, and after

P. Srinivasan

getting promotions, were working as Guards in the scale of Rs. 330-560 prior to 1980. They were, however, found medically unfit for the post of Guards and decategorised in 1980. As a consequence, they were absorbed in the post of TC in the scale of Rs. 260-400 in that year. However, the case of Respondent 3 was reviewed and by order dated 20.10.1984 (Annexure-B), he was absorbed in the TC's scale of Rs. 425-640 w.e.f. 1980. The applicant's grievance is against this order at Annexure-B which according to him has affected him adversely. The applicant has alleged that similarly Respondent 4 was also absorbed in the post of TC in the scale of Rs. 425-640 and became Senior to the applicant.

3. Shri G.S. Srikantaiah Gowda, learned counsel appearing for the applicant, contends that by fixing R3 and 4 in the grade of Rs. 425-640, they would become senior to his client and that that would affect his interests adversely. According to him, in 1982, R3 and 4 were shown junior to him in the combined seniority list of TC's the grades of Rs. 330-560 and Rs. 260-400. Therefore, they should not have been fixed in the higher grade of Rs. 425-640 from a date prior to the applicant's promotion to that grade, thereby making them senior to him. He, therefore, wants us to quash the order at Annexure-B.

4. Shri M. Sreerangaiah, learned counsel for the respondents, opposes the contentions

P. S. Sreerangaiah

of Shri Gowda. The respondents were working as Guards in the grade of Rs. 330-560 and when they were medically disqualified, they were first fitted ~~them~~ in the grade of Rs. 260-400, as no vacancy in a grade equivalent to that in which they were working was available then. But subsequently on a review, R-3 was fixed in the grade of TC of Rs. 425-640 with effect from 1.9.1980 when a vacancy in that grade became available. This was perfectly within the rules. But even this appointment was cancelled by an order dated 14.3.1985 in which it was stated that he (Respondent 3) would be considered for absorption in the grade Rs. 425-640 w.e.f. 1.9.1980 if he was found fit in the selection to be held for the purpose. Respondent No. 4 has not yet been promoted to the grade of Rs. 425-640. The equivalent scale of TCs to the scale of Rs. 330-560 applicable to Guards in which ^{3) post} respondents ^{3 and 4} were working was Rs. 425-640 and if appointed to the latter scale on being found in the selection, Respondents 3 and 4 could count their service in the Guards' scale of Rs. 330-560 and in that event they could become senior to the applicant in accordance with Rule 2614 of the Railway Establishment Manual. However, the position at present was that neither Respondent 3 nor 4 had so far been promoted to the Rs. 425-640 scale and they would be so promoted only on being found fit for selection. ³ So the applicant's grievance that they would become senior to him was not correct.

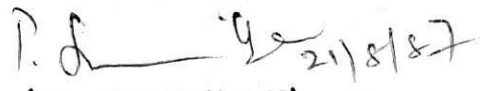
P. S. ...

5. Having heard the rival contentions carefully, we are satisfied that this application deserves to be dismissed. Respondent 3 was appointed to the scale of Rs. 425-640 only on an ad-hoc basis by the order dated 20.10.1984 and his promotion to that grade on a regular basis will depend on his being found fit for selection. Respondent 4 has not been promoted to that grade yet. Therefore the objections of the applicant to the order dated 20.10.1984 (Annexure B) on the apprehension that R-3 would become senior to him is at least for the present unjustified. We are also satisfied that the equivalent scale of TC in which Respondents 3 and 4 can be absorbed under the relevant rules and instructions is that of Rs. 425-640, but as stated earlier this is dependent on R-3 and R-4 being found fit. If found fit, they would be entitled to count their earlier service as Guards in the scale of Rs. 330-560 for the purpose of seniority. However, without anticipating all this, the applicant has no cause for grievance, whatsoever at present in view of what we have said earlier.

6. In the result, the application is dismissed. Parties to bear their own costs.


(K.S. PUTTASWAMY)
VICE-CHAIRMAN

22/8/87


(P. SRINIVASAN)
MEMBER (A)

sb.

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
@@@@@@@@@@@@@@@@

Commercial Complex (BDA),
Indiranagar,
Bangalore - 560 038

Dated : 3/9/87

APPLICATION NO 1490 /86(T)

W.P. NO 11279/85

Applicant

Shri Vasudeo

V/s

The GM, South Central Railway & 3 Ors

To

1. Shri Vasudeo
C/o Shri S.R. Bannurmatah
Advocate
No. 57, 'Laxmi Nivas', 5th Cross
Vasant Nagar, Bangalore - 560 052

2. Shri G.S. Srikantiah Gowda
Advocate
C/o Shri S.R. Bannurmatah
No. 57, 'Laxmi Nivas', 5th Cross
Vasant Nagar, Bangalore - 560 052

3. The General Manager
South Central Railways
Secunderabad (A.P.)

4. The Divisional Railway Manager
South Central Railway
Hubli, Dharwar District

5. Shri S.G. Yeri
Senior Ticket Collector
South Central Railway
Hubli, Dharwar District

6. Shri Shoukat Ali
Senior Ticket Collector
South Central Railway
Gadag, Dharwar District

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~STAY~~/
~~INTERIM ORDER~~ passed by this Tribunal in the above said
application on 21-8-87.

Encl : as above

7. Shri M. Sreerangaiah
Railway Advocate
3, S.P. Buildings, 10th Cross
Cubbonpet Main Road
Bangalore - 560 002

[Signature]
DEPUTY REGISTRAR
~~SECTION OFFICER~~
(JUDICIAL)

RECEIVED *[Signature]*
Diary No. 1078/CR/87
Date: 4/9/87

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE 21ST AUGUST, 1987

Present: Hon'ble Justice Shri K.S. Puttaswamy Vice-Chairman
Hon'ble Shri P. Srinivasan Member (A)

APPLICATION NO. 1490/86

Sri Vasudeo s/• Rudrappa Kittur,
Age: Major, Occupation: Service,
R/• Gadag, District Dharwar. Applicant

(Shri G.S. Srikantaiah Gowda... Advocate)

1. The General Manager,
South Central Railways,
SECUNDRABAD (A.P.)
2. The Divisional Railway Manager,
South Central Railway,
H U B L I
Dist: Dharwar.
3. Sri S.G.Yeri,
Age: Major, Occupation: Service,
R/• Hubli, Senior Ticket Collector
South Central Railway,
Hubli Dist: Dharwar.
4. Sri Shoukat Ali,
Age: Major, Senior Ticket Collector
South Central Railway, Gadag,
Dist: Dharwar.

Respondents

(Shri M. Sreerangaiah.....Advocate)

This application has come up for hearing before this Tribunal to-day, Hon'ble Member (A) made the following :

O R D E R

This application originated as W.P. No. 11279 of 1985 before the High Court of Karnataka.

2. The applicant who joined the Railways on 13.3.1955 as a Class III employee was promoted as Ticket Collector ('TC') in the scale of Rs. 425-640 in 1983. Respondents 3 and 4 ('R3 and R4) entered service in Class IV, and after



D.S. - 1/87

getting promotions, were working as Guards in the scale of Rs. 330-560 prior to 1980. They were, however, found medically unfit for the post of Guards and decategorised in 1980. As a consequence, they were absorbed in the post of TC in the scale of Rs. 260-400 in that year. However, the case of Respondent 3 was reviewed and by order dated 20.10.1984 (Annexure-B), he was absorbed in the TC's scale of Rs. 425-640 w.e.f. 1980. The applicant's grievance is against this order at Annexure-B which according to him has affected him adversely. The applicant has alleged that similarly Respondent 4 was also absorbed in the post of TC in the scale of Rs. 425-640 and became Senior to the applicant.

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P. d. ...



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P. S. ...



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6. In the result, the application is dismissed. Parties to bear their own costs.



-True Copy-

Sd/-
(K.S. PUTTASWAMY)
VICE-CHAIRMAN

Sd/-
(P. SRINIVASAN)
MEMBER (A)

22/8/87

sb.
DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

-True Copy-