

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated : 9 DEC 1986

Application No. 162 & 163, 175, 176, /86()
& 212 to 220/86(T)

W.P. No 1515(a) & 1515(b), 4421 & 4421(a)/79, & 17481 to 17489/79.

Applicant

NS Balakrishnan & ors. ~~by~~

To

1. Shri SR Bannurmath, Advocate,
No.18, VIIth Main Road,
Vasanth Nagar, BANGALORE-52.

2. Shri M. Sreerangaiah,
Central Govt. Stng. Counsel,
High Court Bldgs.,
BANGALORE-1.

3. The Divnl. Superintendent,
South Central Rly., Hubli,
Dharwad Dist.

4. The General Manager,
South Central Rly.,
Secunderabad, A.P.

5. The Chairman, Railway Board,
M/o Railways, NEW DELHI.

Vs. Divnl. Superintendent, S.C.Rly. Hubli &
3 ors.

6. The Secretary,
Ministry of Railways,
Rail Bhavan, NEW DELHI.

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH IN
APPLICATION NO. 162 & 163, 175, 176, & 212 to 220/86(T)

Please find enclosed herewith the copy of the Order/Interim Order
passed by this Tribunal in the above said Application on 29-9-86.

Encl : as above.

REGISTRAR
SECTION OFFICER
(JUDICIAL)

Balu*

*Call all
R.No. 227020/86(C)*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH BANGALORE

DATED THIS THE 29th SEPTEMBER 1986

Present : Hon'ble Shri Ch. Ramakrishna Rao - Member (J)
Hon'ble Shri L.H.A. Rego - Member (A)

Application Nos. 162, 163, 175, 176
and 212 to 220 all of 1986

N.S. Balakrishnan
Asst Station Master
South Central Railway
Bhistenhatti, Post Alnawar,
Dist. Dharwar
(Appln No. 162/86)

C.K. Karunakaran
Asst Station Master
South Central Railway,
Karad Post Office, Obelewadi,
District Satara, Maharashtra
(Appln No. 163/76)

E.C. Cherian
Asst Station
Master, [unclear], Railway Station
R/o Cansaulim, Goa:
(Appln No. 175/86)

S.G. Chandrashekharan Nair
Asst. Station Master
R/o Chincholi, Railway Station,
Tq: Raibag, Dist., Belgaum
(Appln No. 176/86)

K.R. Unnithan
Asst. Station Master
Nalatinputtur, Madurai Division,
Southern Rly, Tirunelveli District (Appln No. 212/86)

K.P. Punnose
C.A.S.M. Maniyachi, Madurai Division,
Southern Rly, Tirunelveli Dist (Appln No. 213/86)

A.N. John
ASM/ Kallugidi, Madurai Division,
Southern Railway, Madurai Dist (Appln No. 214/86)

K.S. John
RASM/ Kallel, Madurai Division,
Southern Railway, Ramnad Dist (Appln No. 215/86)

P.P. Varghese
ASM/Udumieppettai
Southern Rly, Madurai Division,
Coimbatore District (Appln No. 216/86)

- Applicants

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Ravindran Nair
CASM/Maniyachi, Madurai Division
Southern Railway,
Tirunelveli District
(Appln No. 217/86)

P.V.V. Potty
ASM/ Ettumanoor
Southern Railway, Kottayam Distt
(Appln No. 218/86)

Aroon Kumar Basu
Asst. Station Master,
Kirlaskarwadi, Taluk Targaon,
Sangli District, Maharashtra State
(Appln No. 219/86)

M.S.K. Murthy
A.S. Master
Daroji Station
District Bellary
(Appln No. 220/86)

- Applicants

(S.R. Bannurmath, Advocate - for all applicants)

v

1. The Divisional Superintendent
South Central Railway, Hubli
Dist.: Dharwar
2. The General Manager
South Central Railway
Secunderabad A.P.
3. The Chairman,
Railway Board, Ministry of Railways
New Delhi
4. The Union of India by
Secretary, Ministry of Railways,
New Delhi

- Respondents

(M.Sreerangaiah, Advocate)

These applications came up today for hearing before
this Tribunal. Hon'ble Member (J), Ch Ramakrishna Rao
made the following

O R D E R

These applications were initially filed as



writ petitions in the High Court of Karnataka and subsequently transferred to this Tribunal under Section 29 of the Administrative Tribunal Act 1985. As all the applications involve common questions of law and facts, we propose to dispose of the same by a common order.

2. The applicants and several others were employed by the Railway Ministry (RM) for the purpose of construction work in Dandakaranya-Belangir Kirubura project (DBK, for short). The applicants were working as Work mistries in 1964 in DBK. As these mistries became surplus, RM tried to absorb them in the several Zonal Railways according to options exercised by them. The applicants opted for South Central Zone (SCZ) and they were appointed as Assistant Station Masters (ASM) in the SCZ.

3. Shri Bannurmath, learned counsel for the applicants submits that the pay of ex-Work mistries, who were absorbed in the posts of ASMs in the SCZ, were fixed vide order dated 20.8.73 as follows :

"The Board have considered the matter further in consultation with organised labour and have decided as a special case that Ex-worker mistries in question should be allowed to progress further in the time scale of post in which they have been absorbed i.e. weightage for service rendered as work-mistries in the alternative post should be treated as advance increment and not as personal pay to be absorbed in future increment."

The grievance of the applicants, according to Shri Bannurmath, is that the principle followed in pay fixation regarding ex-mistries absorbed in the North Eastern Railway (NER) was not followed in the case of these employees absorbed in SCR. Shri Bannurmath invited our attention to the



communication dated 13.12.78 (Exhibit 'D') in which it is stated

"In connection with the above, CPO/SC has recently advised this office that the above issue has been examined by the Railway Board who have decided that the principle of counting service rendered on Ex-DBK Rly., for granting increments will not be applicable to the surplus staff of that Rly., absorbed in alternative posts in the S.C. Railway."

Shri Bannurmath submits that the ex-mistries absorbed in Central Railway have been given preferential treatment as against those in SCZ and this is violative of the equality clause enshrined in Article 14 of the Constitution of India.

4. Shri M. Sreerangaiah, learned counsel for the respondents, submits that the pay fixation in the case of ex-mistries in CR and SCRZ has been done on the basis of the instructions issued by the Railway Board and on administrative considerations.

5. On careful consideration of the matter we are prima facie satisfied that no valid ground has been spelt out by the respondents for fixing the pay scales differently. We are, therefore, satisfied that this should be re-examined by the Railway Board so that uniformity may be achieved in the matter of fixation of the pay scales for all ex-mistries absorbed in the several zones of the RM.

6. We, therefore, direct respondent No. 3 or any officer, not below the rank of Director, nominated by him to re-examine the grievance of the applicants in the light of the foregoing and in accordance with law after which

...suitable



suitable instructions may be issued by respondent No. 3 to respondents 1 and 2. The aforesaid directions shall be complied with by respondent no. 3 within a period of six weeks from the date of receipt of this order. The applicants are at liberty to approach this Tribunal, if they still feel aggrieved by the revised order of the respondents.

7. In the result the applications are disposed off accordingly. No order as to costs.



SAC

Member (J)

SAC

Member (A)(R) 29.6.86

Same Lopra

bsg/-

~~SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE~~

REGISTRAR

Central Administrative Tribunal
Bangalore Bench
Bangalore