

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-38.

Dated: 3 FEB 1994

APPLICATION NO(s) 711 of 1993.

APPLICANTS:

Ishamala Peddapullaiah
TO.

RESPONDENTS:

v/s. Chief Workshop Manager, South Central
Railways, Hubli and Others.

1. Sri.S.S.Hosur, Advocate,
No.26, Sixth Main,
Tenth Cross, Vasanthanagar,
Bangalore-560052.
2. The Chief Workshop Manager,
South Central Railway,
Hubli-580020.
3. The General Manager,
South Central Railway,
Rail Nilayam, Secunderabad-500371.
4. Sri.A.N.Venugopala Gowda,
Advocate, No.8/2, Upstairs,
R.V.Road, Bangalore-4.

SUBJECT:- Forwarding of copies of the Orders passed by
the Central Administrative Tribunal, Bangalore.

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Please find enclosed herewith a copy of the
ORDER/STAY ORDER/INTERIM ORDER/, Passed by this Tribunal
in the above mentioned application(s) on 18-01-1994.

*Issued on
3/2/94*

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gm*

for *Se. Registrar*
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE.

ORIGINAL APPLICATION NUMBER 711 OF 1993

TUESDAY THIS THE 18TH DAY OF JANUARY, 1994.

Mr. Justice P.K. Shyamsundar, .. Vice-Chairman.

Ishamala Peddapullaiah,
Aged about 59 years,
Retired Chargeman, Ex.T.No.3474,
Paint Shop, South Central
Railway, Hubli, R/o H.D.M.C.No.6/6 ,
Gandiwada, Hubli - 20, Dist: Dharwad.

.. Applicant.

(By Advocate Sri S.S.Hosur)

v.

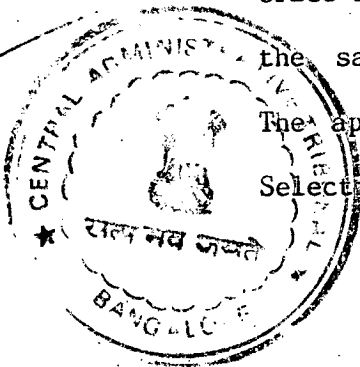
1. The Chief Workshop Manager,
South Central Railway,
Hubli, Dist.Dharwad Pin:580 020.
2. The General Manager,
South Central Railway,
Rail Nilayam, Secunderabad,
Andhrapradesh 500 371.

.. Respondents.

(By Standing Counsel Sri A.N.Venugopal)

O R D E R

Heard Mr. S.S.Hosur, learned counsel for the applicant and Sri A.N.Venugopala Gowda, learned Standing Counsel for the Railways/respondents. It is all about stepping up of the pay of the applicant so as to bring it on par with his alleged juniors Sriyuths Francis Davidson, A.M.Magavi and K.D.Ghodke. Admittedly Sriyuths A.M.Magavi and Francis Davidson entered into the crucial slot of Higher Selection Grade-II over which the controversy in this application arises much later than the applicant who appears to have entered into Higher Selection Grade-II in March, 1979 and Magavi and Francis Davison came to the said cadre in April, 1980 and August, 1980 respectively. The applicant who subsequently retired in the post of Higher Selection Grade-I in the year 1990 was drawing the salary of



Rs.1560/- whereas all others viz., H.I.Bijapur, Magavi and Davidson were drawing more than him, admittedly drawing Rs.1680/-.

The objection statement mentions and Mr.Venugopala Gowda has taken pains to emphasise on me the fact of disparity between the scale of the applicant vis-a-vis others referred to supra was not on account of posting the later entrants over the head of the applicant but because of factual position that obtained in the lower scale of HS Grade-II in which others who were drawing more salary which reflected inter alia the position obtained in the still lower cadre of Grade-III into which slot they all came much earlier than the applicant. By the time, the applicant joined the service they were in the said cadre. I am told that when they were promoted to higher cadre of Higher Selection Grade-II in terms of FR-22 they had been given one additional increment plus salary of the higher position. Shri Venugopal tell us that similar treatment was afforded to the applicant who was given an additional increment plus the pay scale of the higher slot but even then he did not rise to the pay levels of Magavi, Francis Davidson and others who by virtue of earlier promotions had earned increments that necessarily boosted their pay pocket. Mr. Hosur however tells me that Mr.Godke who was in the trimming section had been given the benefit of higher pay scale although he joined the Railway establishment in the year 1957 whereas the applicant joined the same in 1952. Sri Venugopal submits that the case of Mr.Godke was not comparable with that of the applicant because he hails from a different department that is from trimming whereas the applicant was from painting. It seems to me by the mere factum the applicant going into the painting establishment and Mr. Godke going into trimming establishment although the latter joined railway department some 5 years after the applicant had joined could not give to

this kind of patent anomaly and enormous disparity in pay itself that is very apparent. Unless there is a statutory difference between one who is in the painting department and the other in the trimming department, it would be appropriate to weigh both of them together and in the process if it is found one was senior and drawing less pay than his junior that is obvious, glaring and totally unacceptable imbalance will have to be corrected. Hence, I direct the Railways to take a fresh look into this aspect of the matter and see that the applicant can be equated to that of Sri Godke and if there is nothing against accepting that kind of parity, the Railways would do well to stamp out the difference between the pay allowed to the applicant vis-a-vis the pay accorded to Sri Godke. Therefore, I make an order to the Railways to go into this controversy and pass a fresh order in the light of the direction given as above. The Railways will pass appropriate orders bearing in mind the direction given hereinbefore within 3 months from the date of receipt of a copy of this order. Now that the Railways have to pass a fresh order, I deem it proper to quash the order made by them as per Annexure-A9. No costs. Send a copy of this order to the respondents for appropriate compliance.



TRUE COPY

S. S. Sankar
SECTION OFFICER 3/2
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

Sd/-
VICE-CHAIRMAN.

B681

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

C.P. NO.78/95

OA 711/93

WEDNESDAY THIS THE TWENTIETH DAY OF SEPTEMBER 1995

Shri Justice P.K. Shyamsundar ... Vice-Chairman

Shri T.V. Ramanan ... Member (A)

Sri Ishamala Peddapullaiah,
Aged about 60 years,
Retired Chargeman,
South Central Railway, Hubli,
R/a HDMC, No.6/6, Gondiwada,
Hubli-20, Distt. Dharwad.

...Complainant

(By Advocate Shri Jayakumar S. Patil)

v.

1. Sri P. Sheshagiri Rao,
General Manager,
South Central Railway,
Rail Nilayam,
Secunderabad-500 371,
Andhra Pradesh.

2. Sri Shivakantaru,
Chief Workshop Manager,
South Central Railway,
Hubli, Distt. Dharwad.

...Respondents

(By Advocate Shri A.N. Venugopal ...
Standing Counsel for Railways)

ORDER

Shri Justice P.K. Shyamsundar, Vice-Chairman:

1. Heard Shri Jayakumar S. Patil for the applicant and Shri A.N. Venugopal for the respondent railway administration. Shri Venugopal maintains that as can be seen from Annexure A-3 produced along with the application seeking action for contempt on the part of railway administration, in not acting in pursuance of the directions issued by this Tribunal while disposing of O.A. No.711/93 on 18.1.1994, wherein it was ordered to consider the case of the applicant afresh regards

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stepping up the pay of the applicant on par with somebody else, such consideration has been done and an order passed as in Annexure A-3, the applicant cannot now complain of non-compliance and invite action in contempt. We agree. Although the order at Annexure A-3 may not be what the applicant exactly desired but nevertheless the Railways having passed an order in obedience to the direction of the Tribunal after a denovo consideration of the matter resulting in recording a denovo finding there is adequate compliance, but if the applicant is still aggrieved he has to challenge the new dispensation afresh in other proceedings. With this observation this contempt petition stands dismissed.

Sch

Sch

MEMBER (A)

VICE-CHAIRMAN

bsv

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Section Officer

Central Administrative Tribunal

Bangalore Bench

Bangalore