

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE- 560 038.

Dated: 5 JAN 1995

APPLICATION NO: 727 of 1993.

APPLICANTS:- Sri.S.Naganna,Mysore.
V/S.

RESPONDENTS:- The Chief Works Manager,Southern Railways,
Mysore Divisional Workshop,Mysore and others.,

T.

1. Dr.M.S.Nagaraja,Advocate,No;11, Second Floor,
First Cross,Sujatha Complex,Gandhinagar,
Bangalore-560 009.
2. Smt.M.V.Nirmala,Advocate for Railways,
No.28, 53, N.S.Iyengar Street,
Sheshadripuram,Bangalore-560 020.

Subject:- Forwarding of copies of the Order 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 21-12-1994.

[Signature]
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

ORIGINAL APPLICATION No.727/1993

WEDNESDAY, THIS THE 21ST DAY OF DECEMBER, 1994

SHRI JUSTICE P.K. SHYAMSUNDAR .. VICE CHAIRMAN

SHRI T.V. RAMANAN .. MEMBER (A)

Sri S. Naganna,
Aged 35 years,
S/o Sri Siddaiah,
C.W.M's Office,
Central Workshop,
Southern Railway,
Mysore South,
Mysore - 570 008.

... Applicant

(By Advocate Dr. M.S. Nagaraja)

Vs.

1. The Chief Works Manager,
Mysore Divisional Workshop,
Southern Railway, Mysore South,
Mysore - 570 008.
2. The Assistant Personnel Officer,
Southern Railway Division
Mysore.
3. The Chief Personnel Officer,
Southern Railway, Madras.
4. Union of India,
represented by
Secretary to Government,
Ministry of Railways,
Rail Bhavan, New Delhi.

... Respondents

(By Advocate Smt. M.V. Nirmala,
Standing Counsel for the Railways)

ORDER

Shri Justice P.K. Shyamsundar, Vice Chairman:

The applicant who opted for a shift from the South Central Railway to Southern Railway had in the course suffered an eclipse in that when he moved to the other Railway, he moved into a lower slot of Senior Clerk which commanded a pay scale of Rs.1200-2300/-.



2. It is common ground that in the earlier assignments he held, commanded a higher pay of Rs.1400-2300/- and by the time he opted to the lower slot, i.e., as on 1.1.1992, he was actually drawing a pay of Rs.1680/- in the scale of Rs.1400-2300/-. After the shift to the lower slot, the least he expected was that the aforesaid pay of Rs.1680/- would stand reflected in the new position which, no doubt, was in a lower pay scale. The contention of the administration is that it is sufficient to protect the pay of a particular official which he was drawing at the time of a change from a higher post to the lower post as that is reflected in Rule 1313 read with Rule 1320 of the instructions.

3. The position that the higher pay drawn earlier would be protected in the lower slot² made clear in the rule referred to, it was quite natural that the applicant had expected his pay at the stage from the higher slot to the lower slot would not affect him instead in that he felt certain that his initial pay in the lower slot would be what he was actually drawing at the time when he came down from the top to the base. But, that was not to be, Instead, his pay was fixed at Rs.1410/- in the scale of Rs.1200-2040/- treating him as ^{if} he was in the lower scale throughout. This being the error allegedly committed by the administration, the applicant seeks to challenge the aforesaid change in the pay scale and asks for restoration of the pay drawn by him earlier.

4. The technique employed in this case to reduce the pay scale to the detriment of the applicant as aforesaid was somewhat strange in as much as it contradicted Rule 1313 etc., etc., We, therefore, directed the Chief Personnel Officer of the Southern Railway to appear before us and to explain to us the way and methods employed by the department in bringing down the man by a

few hundred rupees. Well, today, we have had the benefit of hearing the Chief Personnel Officer himself, who mentions that there was some confusion in that behalf and the same has since been rectified and was due to some difference of opinion between the Personnel Dept. and the Finance Dept. and precisely, the Railways also had stepped in to rectify the earlier order resulting in the applicant getting the benefit sought for and what is more, ensuring as well that all persons placed in a similar predicament as the applicant will also get the benefit of the fiat issued by the Railway Board, the topmost authority in the Railway administration, produced at Annexures -RR1 and RR2, a perusal of which makes the position clear in that the two orders give to the applicant the pay protection which he has sought for and which was drawn by him while holding the higher post. We place on record the changes effected in the emoluments of the applicant as reflected in RR1 and RR2 and direct the Railway administration to give effect to these orders without any further delay, i.e., if it is not already done. It is heartening to note that the orders enjoined under RR1 and RR2 will also cover all other persons who may be similarly placed.


5. With the foregoing order, this application stands disposed of finally without any order as to costs.



Sd/-
(T.V. RAMANAN)
MEMBER (A)

Sd/-
(P.K.SHYAMSUNDAR)
VICE CHAIRMAN

TRUE COPY


Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

5/1/95