

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO: 535/95 & 831/95

DATE OF DECISION: 31/01/2001

Smt. Kunjamma D'Cruz & 535/95 Applicants
Smt. B.S.Sequeira 831/95

Shri H.T.Ameta

-----Advocate for
Applicant.

Versus

Union of India & 2 Ors

-----Respondents.

Shri Y.S.Masurkar

-----Advocate for
Respondents.

CORAM:

Hon'ble Shri S.K.I.Naqvi, Member(J)
Hon'ble Smt. Shanta Shastry Member(A)

1. To be referred to the Reporter or not? X
2. Whether it needs to be circulated to other Benches of the Tribunal? X
3. Library.

Sae *Naqvi*
(S.K.I.NAQVI)
MEMBER(J)

abp

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO:535/1995
& 831/1995
DATED THE 31ST DAY OF JAN, 2001

CORAM:HON'BLE SHRI S.K.I.NAQVI, MEMBER(J)
HON'BLE SMT.SHANTA SHASTRY, MEMBER(A)

Smt.Kunjamma D'Cruz, Ex.Mid Wife
Bandra Health Unit, W.Rly,
Bandra Bombay - 400 050
residing at Flat No.55,
'B' Building, 6th Floor,
Jagjivanram Hospital Quarters,
Maratha Mandir Marg, Bombay Central,
Bombay - 400 008.

... Applicant in
OA 535/95

Smt.B.S.Sequeira, Mid wife, Parel,
Posted at Bandra Health Unit, W.Rly,
Bandra Bombay - 400 050 & residing at
101/6, 1st Floor, Matunga Road,
W.Rly Quarters, Matunga Road (W.R.),
Bombay - 400 019.

... Applicant in
OA 831/95

By Advocate Shri H.T.Ameta

V/s.

1. The Divisional Rly. Manager, WR,
Bombay Division, Bombay
Central, Bombay - 400 008.
2. The General Manager,
Western Railway Head Quarters,
Offices Building, Churchgate,
Bombay - 400 020.
3. The Union of India,
Through : General Manager,
Western Railway,
Mumbai

... Respondents in
Both OAs.

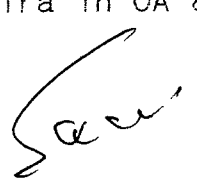
By Advocate Shri V.S.Masurkar

(ORDER)

Per Shri S.K.I.Naqvi, Member(J)

Being aggrieved of denial of promotion and non fixation
of pay as per their entitlement Smt.K.D'Cruz in OA 535/95 and
Smt.B.S.Sequeira in OA 831/95 have filed separate OAs with almost

...2.



:2:

similar nature of pleadings and reliefs. Therefore both these cases are being disposed of by one order:-

2. OA 535/95 will be the leading case and copy of the order be kept in OA 831/95.

3. As per the applicant's case, she entered into service as Mid wife and retired as Mid wife without any promotion though as per Railway Board's order they could be promoted after requisite training to be provided ^{under} in the orders of the Railway. There is also a grievance that they have not been given any advantage of pay fixation ^{with} in regard to recommendation of the IVth Pay Commission.

4. The respondents have referred to order dated 5/3/93 in respect of K.D'Cruz and order dated 12/9/95 in respect of B.S.Sequeira through which they have been promoted and taken to scale Rs.1150-1500 (RP).

5. Heard the learned counsel and perused the records. As per submission from respondents, the applicants have been given due promotion and consequential payscale to the promoted post and therefore nothing remains for redressal. Our attention has also been drawn towards the service certificate which mentions ~~that~~ the promoted scale of 1150-1500.

6. The learned counsel for applicant is not satisfied and mentions that payscale allowed as promoted scale is not in accordance with the scale as recommended by IVth Pay Commission and accepted by the Railway Board and moreover, no financial benefit has been provided to them so far. He further submits that the initial scale should have been taken as 975-1540 instead of the initial scale of Rs.950-1540 and thereby he has become entitled to Rs.1200-2040.

...3.

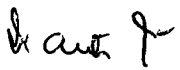
Sac

7. As the position comes out, the respondents have accepted the claim of applicant for the promotion and to allow the promoted scale. Now the controversy remains regarding the promoted scale allowed and the promoted scale claimed by the applicant for which the applicant may approach the respondents for a clarification and the financial benefits as may be entitled to them.

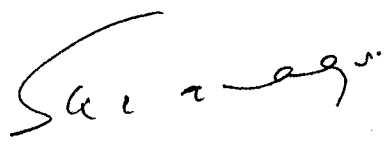
8. With the above position in view, we decide both the cases with the following direction:-

In case the applicant moves a fresh representation within six weeks to the respondents establishment, the same be decided within three months thereafter and ^{then} consequential benefits be provided within three months ~~thereafter~~^{after}. In case the request of applicant is not acceded to, detailed reasoned speaking order be passed.

9. The OA is disposed of with above directions. No costs.


(SHANTA SHASTRY)
MEMBER(A)

abp


(S.K.I. NAQVI)
MEMBER(J)