

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH  
JAIPUR.

O.A.No.846/92

Dt. of order: 17.11.93

R.K.Purohit

: Applicant

Vs.

Union of India & Ors. : Respondents

Mr.J.K.Kaushik : Counsel for applicant

Mr.U.D.Sharma : Counsel for respondents

CORAM:

Hon'ble Mr.Gopal Krishna, Member(Judl.)

Hon'ble Mr.O.P.Sharma, Member(Adm.).

PER HON'BLE MR.GOPAL KRISHNA, MEMBER(JUDL.).

Applicant R.K.Purohit, has filed this application under Sec.19 of the A.Ts Act, 1985, for a direction to the respondents to allow the benefit of revision of pay and fitment on absorption in terms of the Railway Board's circular dated 15.5.87 at Annx.A-1, from 24.3.88 with consequential benefits. The applicant has further prayed for a direction to the respondents not to put him through any final retention test.

2. The facts giving rise to this application are that the applicant was appointed as Traffic Apprentice by the Railway Recruitment Board, Ahmedabad on 24.3.88 on which date he was sent for Traffic Apprentice Training in the scale of Rs.455-700 (RS)/1400-2300. On successful completion of the Training, he was absorbed on the post of Assistant Yard Master at Hapa junction. He is presently holding the post of Head Trains Clerk in the scale of Rs.1400-2300(RP). Before his selection the Railway Board issued a circular dated 15.5.87 ~~wherein it was stated that~~ prescribing the scale of pay of Rs.1600-2660/- (RP) for Traffic Apprentice to be recruited from that date. ~~was granted~~ The applicant claims that since he was appointed after the date of the issue of the aforesaid circular, he should be granted the scale of pay Rs.1600-2660.

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However, the applicant was denied the aforesaid benefit on the ground that the vacancies against which the applicant had submitted his form were notified on 15.1.87 i.e. earlier than the promulgation of the revised scheme.

3. The application has been contested on behalf of the respondents on the ground that the applicant was selected as Traffic Apprentice scale Rs.455-700/(RS) and 1400-2300, as such he is not eligible for the scale of Rs.1600-2660 (RP) since he has been transferred from RJT to Jaipur Division at his own request vide office order dated 25.3.91 and he has been assigned seniority in the scale of Rs.1400-2300(RP) below all confirmed, officiating and temporary employees in the scale Rs.1400-2300 in the Jaipur Division in terms of para 312 of the Indian Railway Establishment Manual.

4. We have heard the learned counsel for the parties and perused the record.

5. The learned counsel for the respondents has raised the plea that the standard of examination to be passed by the recruits in terms of para 2(vii) of the Railway Board's circular dated 15.5.87 at Annx.A-3 was higher and therefore, since the applicant had passed the examination earlier with a lower standard, he was not eligible for grant of the benefits.


6. The learned counsel for the applicant has produced before us a decision of the Jodhpur Bench of this Tribunal in O.A.No.117/91 Mithai Lal & Ors. Vs. Union of India & Ors. dated 27.4.92, which squarely covers the matter in hand. The relevant portion of the judgment in the case cited supra reads as follows:


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The learned counsel for the applicants has also produced at the time of hearing a copy of the judgment of the Principal Bench of the Tribunal dated 2.12.91, in which the judgment of the Madras Bench has been followed. In para 4 of the judgment, judgment of the New Bombay Bench, Ernakulam Bench, Circuit Bench Lucknow, Hyderabad Bench and Principal Bench itself have also been referred to. The learned counsel for the respondents has not shown how the case of the applicants is in any way different from cases of those applicants who have been granted relief by the Madras Bench and various other Benches of the Tribunal including the Principal Bench.

In view of the above, we allow the application and direct that the benefits of revision of pay and fitment on absorption vide Railway Board's letter dated 15.5.87 shall be given to the applicant from 24.3.88 with consequential monetary benefits. This shall be done without putting him through any final retention test. We also direct that the fitment shall be done and arrears paid within a period of four months from the date of receipt of a copy of this order. There shall be no order as to costs.

  
(O.P. Sharma)  
Member (A).

  
(Gopal Krishna)  
Member (J).