

# Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 396/89

Date of Decision : 9.1.1991.

F.A.No.

G. Subramanyam & 4 others

Petitioner.

Mr. P. Krishna Reddy

Advocate for the  
petitioner (s)

Versus

The Chairman, Railway Board, New Delhi  
& 3 others

Respondent.

Mr. N. R. Deva Raj, SC for Railways

Advocate for the  
Respondent (s)

CORAM :

THE HON'BLE MR. B.N. JAYASIMHA, VICE CHAIRMAN

J. NARASIMHA MURTY,

THE HON'BLE MR. ~~B. Subramanyam~~, MEMBER (JUDICIAL)

1. Whether Reporters of local papers may be allowed to see the Judgement? *No*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgment? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*
5. Remarks of Vice Chairman on columns 1, 2, 4  
(To be submitted to Hon'ble Vice Chairman where he is not on the Bench)

*B.N.J.*  
(HBNJ)

*J.N.M.*  
(HJNM)

50

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT : HYDERABAD

O.A.No.396/89

Date of order: 9.1.1991

BETWEEN

1. G. Subramanyam ✓
2. M. Venkat Rao ✓
3. Mrs. Mary George ✓
4. K. Dinadayalan ✓
5. A. Benjamin Kulandai Raj ✓

.. Applicants

Vs.

1. The Chairman,  
Railway Board,  
New Delhi. ✓
2. The General Manager,  
South Central Railway,  
Secunderabad. ✓
3. The Chief Personnel Officer,  
South Central Railway,  
Secunderabad. ✓
4. The Sr. Divisional Personnel  
Officer, South Central Railway,  
Guntakal. ✓

.. Respondents

APPEARANCE

For the applicants : Shri P. Krishna Reddy, Advocate ✓  
For the respondents : Shri N. R. Deva Raj, Standing,  
Counsel for Railways.

CORAM

THE HON'BLE SHRI B.N. JAYASIMHA, VICE CHAIRMAN.

THE HON'BLE SHRI J. NARSIMHA MURTHY, MEMBER (JUDICIAL)

(Contd....2)

(JUDGEMENT OF THE BENCH DELIVERED BY SHRI B.N. JAYASIMHA)  
HON'BLE VICE CHAIRMAN

-----

The applicants who are five in number are Senior Clerks in the office of the Senior Divisional Personnel Officer, South Central Railway, Guntakal. They have filed this application questioning order No. PC.III/87-CTC-1/1 dated 30.1.1987 by which their salaries have been revised and their seniority has been revised.

2. The applicants state that while they were working as Junior Clerks, the Railway Board issued a letter No. EC.3/81/UPG./7 dt.18.6.1981 restructuring the cadre of Ministerial Staff of Departments other than personnel. By this order, direct recruitment and limited departmental competitive examinations were introduced to fill up certain percentage of posts of Senior Clerks in the office of the Chief Operating Supdt. These orders were to take effect from 1.10.1980 and no arrears were payable on that account. It was also stated that the pay would be fixed from 1.10.1980 and the higher emoluments would be paid from the date the persons takes over charge of the upgraded post. It was also classified that the said procedure would apply only for the vacancies as on 30.9.80 would be filled according to the old rules. The Railway Board issued another letter dt.3.11.81 giving the benefits retrospectively to the staff fitted from the date of upgrading. Even though the Railway Board's letter

(Contd.....)

bnj

P.2  
58

was issued on 18.6.81 no selections were made to fill up 10% of posts of Senior Clerks who are graduates by way of limited departmental competitive examination till 21.7.1985. The selections were held for the first time on 21.7.85 and the applicants 1 to 4 were selected and promoted as Senior Clerks by an order dt.6.9.1985 and the 5th applicant was promoted by an order dt.20.9.1985. The applicants are entitled for the Railway Board's letter to proforma fixation of salary and seniority w.e.f., 1.10.1980. The applicants were paid higher salaries after they assumed their office in pursuance of the promotion order dt.6.9.85 and 20.9.85 respectively. Further, on the basis of the seniority in the grade of Junior Clerks, applicant No.1 was promoted as Senior Clerk from 30.12.81, the 3rd applicant from 8.5.84 and the 4th applicant on 4.1.1984. By the impugned order dt.30.1.1987 the Railway Board directed that the benefit of proforma fixation of pay from 1.10.80 will not be available to those serving graduate clerks just as it was not available to senior clerks recruited directly against the restructured vacancies. Following the impugned order, respondent No.4 issued a notice dt. 12.9.87 proposes to revise the seniority. Subsequently respondent No.4 passed orders dt.4.11.87 and 19.11.87 revising the salaries of the applicants. Further they were effected in the seniority. They have therefore filed this application questioning the Railway Board's letter dt.30.1.1987 and the order of the respondent No.4 dt.4.11.87 and 19.11.87 and also the seniority list published, urging various grounds.

bns

(Contd....)

3) The respondents have filed a counter opposing the contentions of the applicant. We have heard Shri P. Krishna Reddy, learned counsel for the applicant and Shri N.R. Deva Raj, Standing counsel for Railways. Both Shri Krishna Reddy and <sup>Shri</sup> Deva Raj state that the applicants are situated similar to the applicants in O.A. No.619/87, 45824/88, 101,246,259, 371,710 and 975 of 1988, and the orders passed by this Tribunal dt.3.8.1990 in respect of these batches would also apply to the facts of the case. In that judgement we had found ourselves in agreement with the judgement in O.A.No.382/86 of the Calcutta Bench and the same would apply to the case of the applicants also. The decision rendered in that judgement would also apply.

4) The application is dismissed. No costs.

*B.N. Jayasimha*  
(B.N. JAYASIMHA)  
VICE CHAIRMAN

*J. Narasimha Murthy*  
(J. NARASIMHA MURTHY)  
MEMBER (JUDICIAL)

Dt. 9th Jan 1991

*S. Srinivasan*  
Sd/Deputy Registrar (J) 10/1/91

To

1. The Chairman, Railway Board, New Delhi.
2. The General Manager, South Central Railway, Secunderabad.
3. The Chief Personnel Officer, South Central Railway, Secunderabad.
4. The Sr. Divisional Personnel Officer, South Central Railway, Guntakal.
5. One copy to Mr. P. Krishna Reddy, Advocate, 3-5-899, Himayatnagar, Hyderabad - 29.
6. One copy to Mr. N.R. Deva Raj, SC for Railways.
7. One copy to The Hon'ble Mr. J. Narsimha Murthy, Member (J), C.A.T., Hyderabad.
8. One Spare Copy.

MVS

842/1094  
✓

srr/