

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:

AT HYDERABAD

O.A.No.475 of 1989

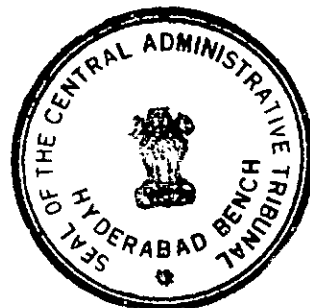
Date of order: 1st March, 1990

Between:-

S.R.Shenoy

..... Applicant

Versus



1. The Railway Board, Government of India, Ministry of Railways, Rep. by its Secretary, New Delhi.
2. The General Manager, South Central Railway, Secunderabad.
3. The Chief Electrical Engineer, South Cental Railway, Secunderabad.
4. The Senior Divisional Electrical Engineer (BG ), South Cental Railway Secunderabad.

... Respondents.

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Counsel For the Applicant : Shri G.Sikshapathy, Advocate.

Counsel For the Respondents: Shri P.Venkarama Reddy, SC for Railways.

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C O R A M

HON'BLE SHRI B.N.JAYASIMHA: VICE CHAIRMAN

(Judgement of the Bench delivered by Shri B.N.Jayasimha, H.V.C)

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This is an application from an employee in the  
South Central Railway / seeking fixation of his pay in the scale  
Rs.425-700 with effect from 1-1-1973 in the post of Progress  
Chaser.

B.S.

2. The applicant states that he was appointed in the former Central Railway as a Labour Kalasi in 1959. He was promoted as Wireman in 1961 and later as Asst. Progress Supervisor in the scale 150-240 and transferred to Secunderabad division. In 1966, Secunderabad division became part of South Central Railway. At that time employees were asked to give their option and he opted for remaining in the S.C. Railway. The applicant was thereafter promoted as Progress Chaser from 1-7-1969 in the scale 205-280. The post of Progress Chaser and Asst. Progress Supervisor were in the technical cadre in Central Railway. The system ~~was~~ however, was different in South Central Railway, where they are included in the Ministerial cadre. The Junior Clerks are given the ex-cadre post of Asst. Progress Chaser in the scale 150-240 and Senior Clerks are given the post of Progress Chaser in the scale 205-280. The applicant was entitled to the benefits given to the employees in Central Railway.

3. The Pay Scales are revised periodically on the basis of the recommendations of the Pay Commission. Following II Pay Commission, he was given the Pay Scale Rs. 205-280 as Progress Chaser and Asst. Progress Chaser were given the scale 150-240. The Third Pay Commission revised the scale Rs. 205-280 to Rs. 330-560, and two scales were prescribed for Asst. Progress Chaser - Rs. 330-480 and Rs. 380-560. As there was an anomaly, the matter was referred to the Railway Board and in 1977, the Railway Board issued orders to the effect that the corresponding scale for Rs. 150-240 should be 380-560, effective from 1-1-1973. As a result all persons in the scale 330-480 were given 380-560 from 1-1-1973.

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5. I have heard Shri G. Bikshapathy learned counsel for the applicant and Shri P. Venkatarama Reddy, learned Standing Counsel for the Respondents. ~~That the facts~~  
~~xxxxxxxxxxxxxxx~~. The main point urged is that the applicant who is an Ex-Central Railway employee is entitled to the protection of salary as given to Ex-Central Railway employees. The Respondents have only stated that the pay scale given to Central Railway employees in this category is not relevant. That there exists an anomaly i.e., persons who are Junior are in receipt of better scale of pay is not in doubt. The grievance of the applicant is real. The applicant is however, guilty of laches and this factor also has to be taken into account in moulding the relief. In the circumstances I consider that the ends of justice are met by directing the respondents to give the applicant the Pay Scale of Rs.425-700, if Progress Chaser in the similar trade in the Central Railway have been given the Pay Scale Rs.425-700. His pay will be notionally fixed <sup>in</sup> that scale from the date the scale was given to the employees in Central Railway and the applicant will be entitled to arrears of pay from the date he filed this application.

The application is allowed to the extent indicated above. No costs.

Sd/- x x x x x  
(B.N. JAYASIMHA)  
Vice Chairman

CERTIFIED TO BE TRUE COPY

// True copy //

Date: 12/3/90  
SECRETARY  
Central Administrative Tribunal  
Hyderabad Bench  
Hyderabad

4. The applicant says that he was in the scale 205-280 and he was given the scale 330-560. His juniors getting the scale 150-240 have been given the scale Rs. 380-560. His representations have not yielded any results. In regard to persons holding similar posts, the Pay Scale Rs. 425-700 has been given. He also contends that in the Central Railway, the Pay Scale 425-700 has been given to similarly situated persons. As he is entitled to the same privileges as given to the employees in the Central Railway, he is entitled to the scale 425-700.

5. The respondents in their counter say that it is true that Progress Chaser were allotted the revised scale of Rs. 330-560 in terms of Railway Ministry's letter dated 18-2-1976. It is also true that Progress Chaser were given the revised scale of Rs. 380-560 as per Railway Ministry's letter dated 9-1-1977. However, the scale given to the applicant i.e., 330-560 was not revised though the corresponding scale for the Grade Rs. 150-240 (AS) was revised to Rs. 380-560. The applicant's representations were disposed off as long <sup>ago</sup> / as 27-7-1978 and 6-12-1979 and he did not take any legal remedy. After 1978, he submitted his representation for the first time on 18-11-1987. The applicant is therefore, guilty of laches. Further the applicant has not challenged the orders of the Railway Ministry fixing the revised pay after the III Pay Commission's report. The respondents further say that the contention of the applicant that the post of Progress Supervisor in the Grade of Rs. 205-280 has been allotted the revised Grade of Rs. 425-700 in the Central Railway is not relevant. For these reasons, the respondents oppose the application.

To:

1. The Secretary, Railway Board, Government of India, Ministry of Railways, New Delhi.
2. The General Manager, south central railway, Sec'bad.
3. The Chief Electrical Engineer, south central railway, Secunderabad.
4. The Senior Divisional Electrical Engineer (BG), south Central railway, Sec'bad.
5. One copy to Mr. G. Bikshapathy, Advocate, 16-9-749/41, Race Course Road, Old Malakpet, Hyderabad-500 036.
6. One copy to Mr. P. Venkatarama Reddy, SC for Rlys., CAT, Hyd.
- ✓ 7. One spare copy.

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