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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: AT
HYDERABAD

~~TRANSFERRED~~/ORIGINAL APPLICATION NO. 650 of 1989

DATE OF ORDER: 8th June, 1990

BETWEEN:

Mr. P. Nageshwar Rao and 16 others

APPLICANT(S)

and

Union Ministry of Railways rep. by its
Chairman, Railway Board, New Delhi and
3 others

RESPONDENT(S)

FOR APPLICANT(S): Mr. R. V. Kameswaran, Advocate

FOR RESPONDENT(S): Mr. N. R. Devaraj, SC for Railways

CORAM: Hon'ble Shri J. Narasimha Murthy, Member (Judl.)
Hon'ble Shri R. Balasubramanian, Member (Admn.)

1. Whether Reporters of local papers may be allowed to see the Judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgment?
4. Whether it needs to be circulated to other Bench^{es} of the Tribunal?
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)

No

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JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE
SHRI R.BALASUBRAMANIAN, MEMBER (ADMN.)

This is an application filed under Section 19 of the Administrative Tribunals Act by Shri P.Nageshwar Rao and 16 others against the Railway Board and three others.

2. The applicants are working as Goods Train Drivers in the Vijayawada Division of South Central Railway. They were promoted, according to them, from Grade 'C' to Grade 'B' under the restructuring scheme. There was considerable delay in ordering promotions and in the mean-time due to acceptance of 4th Pay Commission's recommendations, the two grades were merged. As a result, the pay of the applicants which was fixed at higher point was revised to a lower point and the respondents have started recovery. The applicants have prayed that on account of the delay on the part of the respondents, they should not suffer. They have also contended that by a letter dated 5.2.1987 of the Railway Board, they are entitled to protection of pay. They have prayed that their pay be restored to the level before reduction.

3. The respondents have opposed the prayer of the applicants. According to them, the applicants were not promoted against the restructuring scheme but were promoted against normal vacancies. In the rejoinder to the counter filed, the applicants contend that according to the order No.B/P.535/III/1/Rg./Dr.'B'/Vol.XII dated 23.5.1986 (Material paper 12 of the application), the applicants have all been promoted under the restructuring scheme.

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4. We have heard both the sides and find that the points raised are the same as those in O.A.No.620 of 1989. We find from the Office Order dated 23.5.1986 that the subject of the letter is for 'filling up the post-restructuring vacancies' and it has been clearly stated that promoted ^{as} like the applicants are eligible for higher rate of pay only from the dates they shoulder higher responsibilities as Driver 'B'. This is in contrast to the restructuring scheme where the promotions did not entail higher responsibilities. It thus becomes clear that the promotion of the applicants was not under the restructuring scheme. This point becoming clear, ^{the} rest of the case is the same as in O.A.No.620 of 1989.

5. In the result, the application fails with no order as to costs.

MS

(J.NARASIMHA MURTHY)
Member(Judl.)

R. Balasubramanian

(R.BALASUBRAMANIAN)
Member(Admn.)

Dated: 8th June, 1990. *[Signature]* 12/6/90
For Deputy Registrar(3)

To:

1. The Chairman, Union Ministry of Railways, Railway Board, New Delhi.
2. The General Manager, S.C.Railways, Rail Nilayam, Sec'bad.
3. The Chief Personnel officer, S.C.Railways, Rail Nilayam, Sec'bad.
4. The Divisional Railway Manager, Vijayawada division of south central railways, vijayawada.
5. One copy to Mr.R.V.Kameswaran, Advocate, B-21, Sithafalmandi, Railway Quarters, Secunderabad.
6. One copy to Mr.N.R.Devaraj, SC for Rlys., CAT, Hyderabad.
7. One copy to Hon'ble Mr.R.Balasubramanian:Member:(A), CAT, Hyd-
8. One spare copy.

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14/6/90

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CHECKED BY

TYPED BY:

COMPARED BY :

IN THE CENTRAL ADMINISTRATIVE TRIBU-
NAL:HYDERABAD BENCH:HYD.

HON'BLE MR.B.N.JAYASIMHA: V.C.

HON'BLE MR.D.SURYA RAO:MEMBER:(JUDL)

A N D

HON'BLE MR.J.NARASIMHA MURTHY(M)(J)

A N D

HON'BLE MR.R.BALASUBRAMANIAN:(M)(A)

DATED:8-6-90. ✓

ORDER/JUDGMENT: ✓

M.A./R.A./C.A./No. in

T.A.No. W.P.No.

O.A.No. 650 89

~~Admitted and Interim directions~~
~~issued.~~

~~Allowed.~~

~~Dismissed for default.~~

~~Dismissed.~~ ✓

~~Disposed of with direction.~~

M.A. ordered.

No order as to costs. ✓

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