

(26)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH
AT : HYDERABAD
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O.A.No.893 of 1989

Date of Order: 15-1-1990

T.S.Rasool Saheb ..

APPLICANT

AND

1. The Secretary, Railway Board,
Rail Bhavan, Rafi Marg,
New Delhi.
2. The General Manager, South
Central Railway, Rail Nilayam,
Secunderabad.
3. The Chief Personnel Officer,
South Central Railway, Rail
Nilayam, Secunderabad.

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RESPONDENTS

APPEARANCE

For the Applicant : SHRI S.RAVINDRANATH, ADVOCATE.

For the Respondents: SHRI N.R.DEVARAJ, STANDING COUNSEL
FOR RAILWAYS.

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CORAM

HON'BLE SHRI D.SURYA RAO, MEMBER (JUDICIAL)
HON'BLE SHRI R.BALASUBRAMANIAN, MEMBER (ADMN.)

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

The applicant herein is an adhoc Lecturer (Commerce) working in the Railway Degree College, Lallaguda, Secunderabad. He was initially appointed on 19-8-1985 and has been continuing ever since. The scale of pay sanctioned to him was Rs.650--1200. His allegation is that regular lecturers were given the pay scale of Rs.700--1600. Consequent on the pay revision, the scale of adhoc Lecturers was revised to Rs.2000--3500 from 1-1-1986 and in

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the case of regular Lecturers it was revised to Rs.2200--4000 from 1-1-1986. (He) alleges that there is no scale of Rs.650--1200 (pre-revised) for lecturers anywhere in the country and giving a reduced scale for adhoc lecturers amounts to hostile discrimination amongst equals. His claim for a similar scale as given to regular lecturers is based upon the doctrine of "equal pay for equal work". The applicant has made the claim with effect from the date of initial appointment with consequential benefits as a result of revision of pay scales.

2. The respondents have filed a counter denying the claim of the applicant, stating that the application is barred by limitation. They further state that the strength of students in the institution keeps varying and fluctuating due to which it is inevitable that the adhoc lecturers are to be appointed and that the applicant cannot claim the doctrine of "equal pay for equal work" since his services are adhoc and he cannot equate himself with regular lecturers.

3. We have heard the learned counsel for the applicant, Shri S.Ravindranath and the learned Standing Counsel for Railways, Sri N.R.Devaraj, for respondents.


4. The facts of the present case are identical to the facts in O.A.154 of 1988 wherein similar questions of fact and Law have been raised. We have, by a separate judgement, allowed that application on the principle that the doctrine of "Equal Pay for Equal Work" is violated in granting a lower scale of pay to adhoc lecturers vis-a-vis regular lecturers. The reasons given by us in O.A.154 of 1988 are equally applicable to the facts of the present case. We


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have, however, limited the monetary relief, on the ground of limitation, for one year prior to the filing of the application. In the instant case the applicant has filed the application on 31-10-1989. We accordingly direct that the applicant herein is entitled to a higher pay scale viz., Rs.700--1600)(revised scale of Rs.2200--4000) w.e.f. 1-11-1988. Arrears due to him will be calculated and paid by the respondents within a period of 3 months from the date of issue of these orders. There will be no orders as to costs.


(D.SURYA RAO)
MEMBER (JUDICIAL)


(R.BALASUBRAMANIAN)
MEMBER (ADMN.)

DATE: 15th JANUARY, 1990.


DEPUTY REGISTRAR (J)
16.1.90

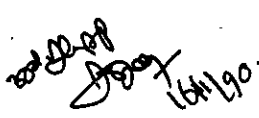
NSR

TO:

1. The Secretary, Railway Board, Rail Bhavan, Rafi Marg, New Delhi.
2. The General Manager, south central railway, Rail Nilayam, Secunderabad.
3. The Chief personnel officer, south central railway, Rail Nilayam, Secunderabad.
4. One copy to Mr.S.Ravindranath, Advocate, 10-3-283/5, Humayunnagar, Hyderabad-28 (with a copy of order dated 15.1.90)
5. One copy to Mr.N.R.Devaraj, SC for Rlys., CAT, Hyderabad.
6. One spare copy.

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Draft by: Checked by: Approved by:
D.R.(J)

Typed by: Compared by:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.

~~HON'BLE MR. B.N. JAYASIMHA: (V.C.)~~

AND

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

AND

R. Balasubramanian
HON'BLE MR. D. K. CHAKRAVORTY: MEMBER: (A) ✓

AND

~~HON'BLE MR. J. NARASIMHA MURTHY: MEMBER (J)~~

DATED: 18-1-90 ✓

ORDER/JUDGMENT

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

in

F.A.No.

(W.P.No.

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O.A.No. 893/89

Admitted and Interim directions
issued.

Allowed *in 7 of 889/89*

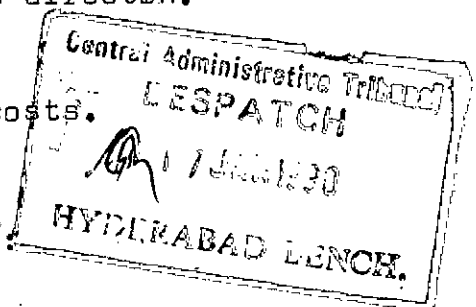
Dismissed.

Disposed of with direction.

M.A. Ordered.

No order as to costs.

Sent to Xerox on:



16/1/90