

Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

69

O.A. No. 69/91.

Date of Decision : 7.8.1991.

~~Attor~~

M. Bhaskar & 22 others Petitioner.

Shri G. Ramachandra Rao Advocate for the
petitioner (s)

Versus

Union of India per General Manager, Respondent.

South Central Railway, Rail Nilayam,

Secunderabad & another

Shri V. Bhimanna,

SC for Railways

Advocate for the
Respondent (s)

CORAM :

THE HON'BLE MR. J. Narasimha Murthy : Member (Judl)

THE HON'BLE MR. R. Balasubramanian : Member (Admn)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
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 Benches 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)

HJNM
M(J)

HRBS
M(A)

(70) (18)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.69/91.

Date of Judgment 7.8.1991.

1. M.Bhaskar
2. N.Rajendra Prasad
3. K.V.S.Sastry
4. T.A.Kamalapathi
5. Mohd. Abdul Rab
6. M.A.Anwar Basha
7. K.Om Kumar
8. K.Maheswar
9. Suman Ghosh
10. S.Venkateswaran
11. Mohd. Shamim
12. T.Sai Mukesh Prasad
13. G.Venkateswara Sarma
14. J.Suresh
15. R.Srinivasa Gopalan
16. G.Anjaiah
17. J.Peter
18. M.J.Wilson
19. E.P.Avadanulu
20. P.Veerabhadra Rao
21. A.Prasanna
22. M.Jayaraman
23. K.Subrahmanyam

.. Applicants

Vs.

1. Union of India per
General Manager,
South Central Railway,
Rail Nilayam,
Secunderabad.

2. Chairman,
Railway Board,
Rail Bhavan,
New Delhi.

.. Respondents

Counsel for the Applicants : Shri G.Ramachandra Rao

Counsel for the Respondents : Shri V.Bhimanna,
SC for Railways.

CORAM:

Hon'ble Shri J.Narasimha Murthy : Member(Judl)

Hon'ble Shri R.Balasubramanian : Member(Admn)

I Judgment as per Hon'ble Shri R.Balasubramanian,
Member(Admn) I

This application has been filed by Shri M.Bhaskar and 22 others under section 19 of the Administrative Tribunals Act, 1985 against the Union of India per General Manager, South Central Railway, Rail Nilayam, Secunderabad and another.

2. The applicants ~~who~~ joined the Railways as Traffic Apprentices and after the prescribed training are holding different posts under the respondents. The relief claimed by them is that they should be fixed or absorbed in the grade of Rs.1600-2660. Their grievance is that at present they are being fixed only in the grade of Rs.1400-2300 and/or Rs.1400-2600. They have prayed for a direction to the respondents to fix them in the grade of 1600-2660 with effect from 15.5.87 or from the dates of absorption of the applicants in the regular working posts of Asst. Station Masters/Asst. Yard Masters/Section Controllers with all consequential benefits including arrears of pay. ~~The relief~~

3. The relief claimed by the applicants is resisted by the respondents. It is contended that the Railway Board has laid down a new policy and in the light of it the applicants have no case. The respondents also contend that this Tribunal had dismissed ^{a similar case} the (T.A.No.172/86.)

4. We have examined the case and heard the learned counsel for the applicants and the respondents. At the time of hearing, the learned counsel for the respondents stated that the applicants before us are not ⁱⁿ the same ^{situation} as the ones who were successful before the Madras Bench of this Tribunal. We have

To

1. The General Manager, S.C.Railways, Rail Nilayam, Secunderabad.
2. The Chairman, Railway Board, Rail Bhavan, New-Delhi-
3. One Copy to Mr.G.Ramachandra Rao, Advocate, 3-4-498, Barkatpura chaman, Hyderabad-500027.
4. One Copy to Mr.v.Bhimanna, SC. for Rlys, CAT., Hyderabad.
5. One Spare Copy.

6/15/91

carefully studied the judgment dated 4.12.89 of the Madras
their
Bench in O.As No.488/87 and 322/88 which was eventually upheld
by the Hon'ble Supreme Court in SLPs No.7553/90. We find
that the applicants before us are placed in an identical
position as those who were before the Madras Bench. The T.A.
referred to by the learned counsel for the applicants is not a
the similar one before us. Since, already to our knowledge,
the Benches of this Tribunal at Madras, Bombay and Ernakulam
had all pronounced judgments in favour of the applicants
before them and also in view of the fact that the Hon'ble
Supreme Court had upheld the decision of the Madras Bench
we fall in line with the judgments pronounced earlier.

5. In the result, we direct that the benefit of revision of
pay and fitments ^{on} and absorption vide Railway Board's letter
No.E(NG)II/84/RC3/15(AIRF) dated 15.5.87 should be given to the
applicants with effect from 15.5.87 with consequent monetary
benefits. This shall be done without putting them through any
^{final retention tests.}
~~financial restraints.~~ We also direct that the fitments should
^{and}
be done ~~on~~ the arrears disbursed within a period of 90 days
from the date of receipt of this order. There is no order
as to costs.

MS

(J.Narasimha Murthy)
Member(Judl).

R. Balasubramanian

(R.Balasubramanian)
Member(Admn).

12
Dated

7th August 91

5/8/91
Registrar

(2)

M/8/8/91

TYPED BY
CHECKED BY

COMPARED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE-MR---

V.C.

AND

THE HON'BLE-MR.

M(J)

AND

THE HON'BLE MR.J.NARASIMHA MURTY:M(J)

AND

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

DATED: 7-8-1991

ORDER/ JUDGMENT

M.A./R.A./C.A. NO.

in

D.A. No.

69/91

T.A.No.

(W.P.No. -

Admitted and Interim directions
issued.

Allowed.

Disposed of with direction

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

M.A.Ordered/Rejected.

No order as to costs.



Handwritten signature and date 8/8/91.