

(64)

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: AT HYDERABAD.

O.A. No. 223/91

Date of Decision: 21.8.91

Tx No.

Mr. Ch. Venkata Naidu and 8 others

Petitioner.

Mr. N. Raghavan

Advocate for
the Petitioner(s)

Versus

Chairman, Railway Board and 3 others

Respondent.

Mr. V. Bhimanna

Advocate for
the Respondent
(s)

CORAM:

THE HON'BLE MR. C.J. Roy, Member (Judl.)

THE HON'BLE MR. --

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporters 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.)

H.C.J.R
M(J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.223 of 1991

DATE OF JUDGMENT: 21st AUGUST, 1992

BETWEEN:

1. Mr. Ch.Venkata Naidu
2. Mr. R.Viswanadham
3. Mrs. Padmavathi Sridhara
4. Mr. S.Balakrishna
5. Mr. U.Revira Vaidya
6. Mr. P.Malleswara Rao
7. Mr. B.Jayaraju
8. Mr. M.Muthiah
9. Mrs. Ribca Dorathi Jaya Rao ..

Applicants

AND

1. The Chairman,
Railway Board,
Ministry of Railways,
New Delhi.
2. The General Manager,
South Central Railway,
Secunderabad-500371.
3. The Comptroller & Auditor General
of India,
New Delhi - 110 002.
4. The Principal Director of Audit,
S.C.Railway,
Secunderabad-500371. ..

Respondents

COUNSEL FOR THE APPLICANTS: Mr. N.Raghavan

COUNSEL FOR THE RESPONDENTS: Mr. V.Bhimanna, SC for Rlys.

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CORAM:

Hon'ble Shri C.J.Roy, Member (Judl.)

JUDGMENT OF THE SINGLE MEMBER BENCH DELIVERED BY THE HON'BLE
SHRI C.J.ROY, MEMBER (JUDL.)

This application was filed by the applicants for claiming the relief to declare the letters No.E(W)-87-PS. 5-1/3, dated 27.7.1989 and dated 11.9.1989 issued by the respondent No.1 and the consequential order No.Au/Admn./VII/7/GOs/P&P/C/VI, dated 3.1.1991 read with Circular No. Au/Admn./VII/7/GOs/C/Vol.V, dated 2.2.1990 issued by the 4th respondent as arbitrary, illegal, void, discriminatory and amounts to reduction in rank or status of the applicants by equating Gazetted Officers with Non-gazetted staff and consequentially to hold withdrawal of the existing rights and privileges as arbitrary and illegal and restore the same. The brief facts of the case are as follows:-

The applicants are the Assistant Audit Officers in the office of the Principal Director of Audit, South Central Railway, Secunderabad. In 1983, on the recommendations of the Comptroller and Auditor General of India, the Government of India, sanctioned 80 per cent of the Section Officers posts to be redesignated as Assistant Audit Officers (Group-B, Gazetted) in the pre-revised pay scale of

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Rs.650-1040, which was revised to Rs.2000-3200 on the implementation of the IV Pay Commission Report. As the post of Assistant Audit Officer was a Group-B Gazetted post, the Railway authorities allowed them certain privileges in the matter of grant of free passes, PTOs, Post Retirement passes etc., as were applicable to regular Railway employees of the same status. The post was, however, reviewed by the Railway Board and it was decided vide letter dated 27.7.1989 that the Assistant Audit Officers in the pay scale of Rs.2000-3200 would be given privileges and facilities as admissible to the Railway employees in identical scale of pay, viz., Rs.2000-3200.. Railway employees in the said scale of pay belong to Non-gazetted Group-C category. Consequently, the privileges and facilities being given to Assistant Audit Officers were curtailed to those admissible to Group-C Non-gazetted Railway employees. Hence, this application.

2. The Respondents filed counter stating that the Railway Administration is free to curtail or stop ~~xxxx~~ the privileges at any time. The applicants are not Railway servants and there is no master and servant relationship between the applicants and the Railway administration. They are employees of Audit Department under the control of the 3rd respondent. The privilege of Railway passes to the applicants who are auditing for the Railway administration

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is the outcome of only courtesy extended by the Railways. The question of discrimination arise between similarly situated employees of a particular department.

3. I heard Shri V. Srihari, proxy counsel for Mr. N. Raghavan, learned counsel for the applicants and Shri V. Bhimanna, learned Standing Counsel for the Respondents.

4. During the course of hearing, the learned counsel for both the sides represented that this case is covered by a decision of this Bench in O.A.No.286/92 dated 4.6.1992, wherein it is held-

"Aggrieved by the revised decision of the Railway Board, a large number of applicants approached the various Benches of the Tribunal. All the said applications, 13 in number, were heard and decided by the Principal Bench vide Judgment dated 13.3.92. The leading case covered by the said Judgment is that of Sri Ananta Kumar Kar and Others Vs. Union of India and others (OA 1543/91). Extracts from the concluding portions of the judgment are reproduced below:-

"It will be observed that the Third Central Pay Commission, keeping in view the needs of the travelling public had made specific recommendations to reduce the level of privilege passes and PTOs even to the Railway servants. We have no doubt that the respondents would have considered these recommendations and taken steps to curtail these facilities. Any judicial interference in a matter like this, resulting

Copy to:-

1. The Chairman, Railway Board, Ministry of Railways, New Delhi.
2. The General Manager, South Central Railway, Secunderabad.
3. The Comptroller & Auditor General of India, New Delhi-002.
4. The Principal Director of Audit, S.C.Railway, Secunderabad-371.
5. One copy to Sri. N.Raghavan, advocate, 113, Jeera, Secunderabad.
6. One copy to Sri. V.Bhimanna, SC for Railways, CAT, Hyd-bad.
7. One spare copy.
8. one copy -> Hon'ble Mr.C.J. Roy; M(J) CAT Hyd.

Rsm/-

(CJ)

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in liberalisation of issue of privilege passes and PTOs would aggravate inconvenience and hardship to the travelling public who pay for their journeys. It is not the case of the applicants that no facility is available to them for travelling, as is applicable to the Railway servants in the equivalent scale of pay. What they are seeking is enlargement of number of privilege passes and PTOs, enabling them not only to travel free but also by a higher class to which even the Railways servants in equivalent grade are not entitled.

In the above conspectus of the case, we are not persuaded to accept that the applicants have any established legal right for grant of privileges to them which are available to Group 'B' officers on the Railways, who are admittedly in the higher scale of pay, as compared to the applicants. Accordingly, the OA is dismissed."

5. Following the above cited decision in O.A.No.286/92, the O.A. is liable to be dismissed and it is accordingly dismissed with no order as to costs.

urby
(C.J.ROY)
Member (Judl.)

Dated: 24 August, 1992.

Set/81
By Registration (JUL).

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O.A.223/91

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

THE HON'BLE MR.

AND

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

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY :
MEMBER (J)

AND

THE HON'BLE MR. C. J. ROY : MEMBER (J)

Dated: 21/8/ - 1992

ORDER / JUDGMENT

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

in
O.A. No. 223/91

T.A. No. (W.P. No _____)

Admitted and interim directions
issued

Allowed.

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered / Rejected

No orders as to costs.

pvm.

