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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

D.A.534/91.

Dt. of Decision : 21-07-95.

1. Syed Ahmed Basha
2. A.V. Subba Reddy
3. K.S. Narayanaswamy
4. K. Janakirem
5. A.R. Michel
6. I.D. Johnson
7. D.B. Surro
8. M.R. Naidu
9. V.R. Kulkarni
10. S.N. Harisavothma Rao
11. C.M. Elliah
12. M.A. Farquherson
13. P. Govindan Kutty
14. K. Hanumantha Rao
15. B.R.G. K. Moorthy
16. V. Damodarah Nair
17. Sk. Ayub
18. R.S. S. Mani
19. M.S. Kumar
20. T.R. Govindarajan
21. N. Veera Raju
22. M. Krishna Moorthy
23. P. Ramaniah
24. G. Soundar Rajan
25. D.N. Arputha Raj
26. D.V.R. Reddy
27. Sk. Mukbuli
28. T. Baskar Rao
29. D.A. Grant
30. M. Madhusudan
31. G. Sambu
32. M. Bhaskar Rao
33. Khaja Nooruddeen
34. N. Damodaran
35. M. Pazaluddin Ansari
36. Darshanlal
37. M.A. Sukoor
38. N.N. Joshua
39. A.J. David
40. M. Rajeshwar Rao
41. S. Domendar Rao
42. M. Mogalish
43. T. Venkateswarlu
44. R.G. Minwalla
45. S. Rama Rao
46. J. Dharma Lingam
47. A.B. Krishnaiah
48. P. Ramachander
49. P. Vaidyanatham
50. H.A. McCoy
51. T.R. Krishnamoorthy
52. D. Footman
53. D.J. Sundar
54. M.S. Sanjeevi Rao
55. B. Nagarej
56. Baldev Sing
57. D.I. Alsiander
58. Sk. Faridi
59. K. Krishnamoorthy
60. K.J. Job
61. M.P.G. Menon
62. P. Mahabubkhan
63. P.P. Chandrasekaran
64. P. Guenydass
65. K. Sreenivasa Rao
66. Sk. Rahiman
67. T. Narasinga Rao
68. N.P. Subbarayadu
69. M. Pushkar Reddy
70. S.A. Rahoof
71. Sk. Dawood
72. K. Bhumalingappa
73. T. Atran
74. Sd. Mohamed
75. M.R. Singh
76. K.P. Krishnan Nambiar
77. H.J. Rebeiro
78. M.G. Kalghatigi
79. S. Sreedhavan Nair
80. R. Ramachandrappa
81. S.A. Rahman
82. S. V. Mummicath
83. E.E. Bandi
84. T.R. Rajan
85. T. Thangamuthu
86. E.A. Cannon
87. V.S. Sreedharan
88. M.K. Khan
89. S.B. Havali
90. R.L. Nelthropp.

... Applicants.

1. Union of India rep. by the  
Chairman, Railway Board,  
Rail Bhawan, New Delhi-110 001.

2. Union of India Rep. by the  
General Manager, SC Rly,  
Rail Nilayam,  
Secunderabad.

3. Chief Personnel Officer,  
South Central Railway,  
Rail Nilayam, Secunderabad.      ... Respondents.

Counsel for the Applicants : Mr. G. Ramachandra Rao  
Counsel for the Respondents : Mr. J. Siddiah, SC for Rlys.

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN  
THE HON'BLE SHRI A.B. GORTHI : MEMBER (ADMN.)

O.A.534/91.

Dt. of Decision : 21-07-95.

ORDER

1. As per Hon'ble Shri A.B. Gorthi, Member (Admn.)

The pay of the applicants was stepped up to bring it at par with that of their junior in terms of Railway Board's letter No.E(P&A)II/88/RS-12 dt.16-09-88, but the said benefit was taken away in terms of the subsequent Railway Board's letter dt. 10-08-1990 and General Manager, South Central Railway letter dated 13-09-1990. The applicants pray that the subsequent instructions issued vide letters dated 10-08-1990 and 13-09-1990 be set aside and that they be restored the benefit of the stepping up of pay as was done under the Railway Board's letter dt. 16-09-1988.

2. All the 90 applicants, while working as Drivers in different grades, were selected and appointed to various Loco Running Supervisory posts prior to 01-01-1986. At that time, the scales of pay of Loco Running Supervisory posts were (i) Rs. 550-750/-  
(ii) Rs. 700-900/-  
(iii) Rs. 840-1040/-

After the revision of scales of pay on the recommendation of the IVth Pay Commission, the grades of Rs. 550-750/- and Rs. 700-900/- were merged into one and revised to Rs. 2000-3200/-, and the grade of Rs. 840-1040/- was revised to Rs. 2375-3500/-.

3. The staff appointed prior to 01-01-1986 as Loco Running Supervisors in the pre-revised scales of

pay and whose scales of pay were fixed under the revised scales of pay with effect from 01-01-1986 were drawing less pay than their juniors appointed to Loco Running Supervisory posts after 01-01-1986.

This ~~anomalous~~ situation had arisen in respect of Loco Running Supervisors in the revised scales of pay of Rs. 2000-3200 and also Rs. 2375-3500/- . The anomaly was examined by the Railway Board and detailed instructions were given vide letter dt. 16-09-1988, stating that the anomaly ~~should be resolved~~ as follows:-

"(i) The pay of a senior Loco Supervisor appointed prior to 01-01-86, as fixed in the revised scales of pay of Rs.2000-3200/- may be stepped up to the level of a junior drawing more pay in this grade, appointed on or after 01-01-86, with effect from the date junior is drawing more pay than the senior. This will however, be subject to the condition that the notional pay of the junior in the Revised (4th P.C.) scale of Rs.2000-3200/- hypothetically fixed on the assumption that the junior was also appointed to the pre-revised loco supervisory grade prior to 01-01-86, is less than that of the senior;"

"(ii) The pay of a senior loco supervisor promoted to still higher pre-revised grades prior to 01-01-86, and fitted in the replacement scale of Rs.2375-3500/-, may be stepped up, with reference to the pay of the junior in Scale Rs.2000-3200/-, which has been stepped up under 2(i) above, with effect from the date of such stepping up of the junior."

4. Consequently the pay of the applicants was stepped up to effect parity with the pay of the junior employee promoted after 01-01-1986.

5. On a further examination of the modality of stepping up of pay of seniors, the Railway Board imposed certain limitations vide letter dt. 10-08-1990. It is stated that the benefit of stepping up of pay to a senior supervisor who entered the cadre of Loco Supervisor while working as Driver 'A', 'B' or 'C' can be granted only in reference to a junior belonging to the same cadre, i.e., 'A', 'B' or 'C' respectively. This was further clarified vide letter dt. 13-09-1990 issued by the General Manager's Office South Central Railway, that the benefit of stepping up can be given only in reference to a junior belonging to the same cadre and not with reference to the date of entry to the grade of supervisor. Consequently, the respondents rescinded the earlier orders of stepping up the pay of the applicants and directed refund of the excess payment made.

6. In the reply affidavit the respondents clarified that the initial stepping up of the pay of the applicants was not done correctly and in view of the subsequent clarifications given by the Railway Board and the General Manager, SC Railway in consultation with the FA & CAD, the orders withdrawing the benefit of the stepping up of pay to the applicants were justified.

7. Shri G. Ramachandra Rao, learned counsel for the applicants has drawn our attention to a decision of the Principal Bench of the Tribunal in O.A. No. 469/92, wherein

To

1. The Chairman, Union of India, Railway Board, Railbhavan, New Delhi.
2. The General Manager, S.C.Rly, Railnilayam, Secunderabad.
3. The Chief Personnel Officer, S.C.Rly, Railnilayam, Secunderabad.
4. One copy to Mr.G.Ramachandra Rao, Advocate, CAT.Hyd.
5. One copy to Mr.J.Siddaiah, SC for Rlys, CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

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the applicants were similarly situated as the applicants before us. The said OA was allowed in favour of the applicants and it was held that the applicants therein would be entitled to the benefit of stepping up of pay in relation to that of their junior. SLP filed against the order in OA.469/92 was dismissed by the Supreme Court vide order dated 19-11-1993 on merits.

8. The judgement of the Principal Bench in O.A.No. 469/92 was followed by the Madras Bench of the Tribunal in deciding O.A.No.124/93, wherein also the applicants were similarly situated as those before us in the present O.A. We therefore find no justification for not allowing this OA with similar directions.

9. In the result, the OA is allowed. The respondents are directed to apply the orders of the Railway Board dated 16-09-1988 for stepping up the pay of each of the applicants to bring it at par with that of his junior promoted after 01-01-1986. Respondents shall comply with this order within a period of 4 months from the date of communication of this order.

10. OA is ordered accordingly. No costs. //

*Shanmugam*  
(A.B. GORTHI)  
MEMBER(ADMN.)

*Nelson*  
(V. NEELADRI RAO)  
VICE CHAIRMAN

Dated : The 21 July 1995.

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*Anil*  
Deputy Registrar (O) CC