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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.534/91.

Dt. of Decision : 21-07-95.

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

... Applicants.

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

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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. GORTHY : MEMBER (ADMN.)

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O.A.534/91.

Dt. of Decision : 21-07-95.

ORDER

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

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 ^{provided} ~~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 & CAO, 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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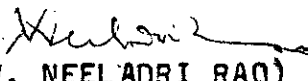
the applicants were similarly situated as the applicants before us. The said OA was allowed in favour of the applicants and it was held that the applicants therein would be entitled to the benefit of stepping up of pay in relation to that of their junior. SLP filed against the order in OA.469/92 was 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 ^{and} 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.

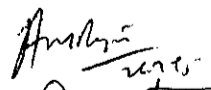
10. OA is ordered accordingly. No costs.//


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


(V. NEELADRI RAO)
VICE CHAIRMAN

Dated : The 24 July 1995.

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Deputy Registrar (D) CC