

(34)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

D.A. No. 538/91.

Dt. of Decision : 23.11.94.

1. K.S.R.K. Murthy
2. D.Ram Mohan Rao
3. S.A.Sattar

.. Applicants.

Vs

1. Chief Personnel Officer,
SC Rly, Rail Nilayam,
Secunderabad.
2. Divisional Railway Manager,
SC Rly, Vijayawada.
3. Sr. Divl. Accounts Officer,
SC Rly, Vijayawada.
4. Sr. Divl. Personnel Officer,
SC Rly, Vijayawada.

.. Respondents.

Counsel for the Applicants : Mr. P.Krishna Reddy

Counsel for the Respondents : Mr. N.V. Ramana, Addl.CGSC.

CORAM:

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (JUDL.)

THE HON'BLE SHRI A.B. GORTHY : MEMBER (ADMN.)

O.A.No.538/91

O R D E R

(As per Hon'ble Sri A.V. Haridasan, Member(J))

The grievance of the applicants in this application is that by the impugned order dt.25-4-91 issued by the 4th respondent the applicants have been subjected to heavy loss of reduction in pay on an erroneous interpretation of rules, and therefore the applicants seeks to quash the impugned order.

2. The facts in brief can be stated as follows. While the applicants were working as Drivers, they were promoted as Loco Supervisors on regular basis w.e.f. 1-1-64. The railway administration implemented the recommendations of the 4th Pay Commission. The pay of some of the juniors of the applicants who were working as Loco Supervisors on ad hoc basis were refixed and their pay happened to be more than the pay of the applicants. The applicants are senior to M/s B. Surrow, V.V. Ramana Rao, and P. Srinivasa Murthy respectively. Pointing out that on refixation of pay on implementation of the 4th Pay Commission recommendations the applicants were getting lesser pay than their juniors, the applicants represented to the railway administration for stepping up of their pay on par with the above said juniors. The above representation was considered.

by the administration and by order dt. 6-7-89 the pay of the applicants were stepped up on par with the pay of the juniors. While the applicants were thus in receipt of enhanced pay on par with the juniors, the 4th respondent issued a letter dt. 9-7-90 stating that stepping up of the pay of the applicants were erroneously made that they were not entitled to pay than as by the xxxxxxxxxxxxxx order dt. 6-7-89 and that their pay would be refixed at the stage what it was prior to the order dt. 6-7-89. To this letter the applicants submitted their explanation but without considering the explanation submitted by the applicants the impugned order dt. 25-4-91 was issued downwardly revising the pay of the applicants. It is aggrieved by this that the applicants have filed this application.

3. The respondents contended that as the applicants had already become regular Loco Supervisors in 1984 i.e. 1-1-1986, before ^{1-1-1986,} fixation of pay in their cases in the posts of Drivers did not arise ^{and} for that reason while a review of refixation of pay was undertaken, it was found that the stepping of the pay of the applicants on par with the juniors was erroneous and that therefore the impugned order has been rightly issued. The respondents have admitted in the reply that the pay of the applicants was fixed on par with that of the juniors as the applicants [○] the said juniors belong

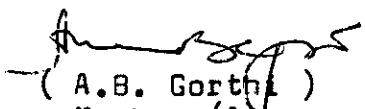
to one and the same cadre and that the scales of pay of the lower and higher posts to which they were entitled to draw were identical. But they contend that the fixation was erroneous and the only reason stated is that the ^{refixing} up of the applicants pay in the posts of Drivers did not arise as the applicants ceased to be Drivers as on 1-1-86.

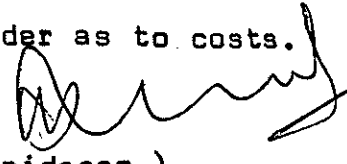
4. On a careful scrutiny of the pleadings and on an anxious consideration of the facts revealed, we are convinced that the action of the respondents in downwardly revising the pay of the applicants is not sustainable. The pay of the applicants were refixed on par with the pay of their juniors because an anomaly had arisen by which the juniors of the applicants in the cadre of Drivers who ever officiating only on ad hoc basis as Loco Supervisors happened to be fixed at a higher stage, while the applicants who were already confirmed Loco Supervisors were fixed at lower stage. This anomaly arose on the implementation of the Railway Servants Revised Pay Rules on implementation of the 4th Pay Commission recommendations. The Railway Servants Revised Pay Rules contain a built-in provision for removal of anomalies by stepping up of pay in cases where the pay of the seniors happens to be less than that of a junior. It is under this provision on consideration of the

facts brought to the notice of the competent authority that the order dt.6-7-89 was issued. The reasons stated for annulling refixation of pay that the applicants were no more drivers and were regular loco supervisors on 1-1-86 and therefore fixation of their pay in the post of driver did not arise is not a proper ground to annul the order of stepping up of pay in par with juniors, for the mere fact that the applicant was confirmed as loco supervisor while their juniors were officiating on the posts on ad hoc basis is not a justification for allowing the juniors to draw higher pay than the seniors.

5. For all what is stated in the foregoing paragraphs, we are satisfied that the impugned order is unsustainable in law, and therefore we set aside the same.

6. In the result, the O.A. is allowed. The impugned order dt. 25-4-91 is set aside with consequential benefits to the applicants. There is no order as to costs.


(A.B. Gorthi)
Member (A)


(A.V. Haridasan)
Member (J)

Dt. 23-11-1994
Open Court Dictation.


DEPUTY REGISTRAR(J)

kmv
Copy to:

1. The Chief Personnel Officer, South Central Railway, Railnilayam, Secunderabad.
2. The Divisional Railway Manager, South Central Railway, Vijayawada.
3. The Senior Divisional Accounts Officer, South Central Railway, Vijayawada.
4. The Senior Divisional Personnel Officer, South Central Railway, Vijayawada.
5. One copy to Mr.P.Krishna Reddy, Advocate,CAT,Hyderabad.
6. One copy to Mr.N.V.Ramana, Addl.CGSC,CAT,Hyderabad.
7. One copy to Library,CAT,Hyderabad.
8. One spare copy.

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