

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

D.A. No. 768/91.

Dt. of Decision : 13-9-94.

1. P. Mohan Rao
2. T. Sharada Ramesh

.. Applicants.

Vs

1. The Secretary, Railway Board,
Rail Bhavan, Rafi Marg,
New Delhi.
2. The General Manager,
SC Rly, Rail Nilayam,
Secunderabad.
3. The Chief Personnel Officer,
SC Rly, Rail Nilayam,
Secunderabad.
4. Principal, Railway Degree College,
Lalaguda, Secunderabad.

.. Respondents.

Counsel for the Applicants : Mr. V. Jogayya Sarma

Counsel for the Respondents : Mr. D. Gopala Rao, Addl.CGSC.

CORAM:

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

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

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O.A.NO.768/91.

JUDGMENT

Dt: 13.9.94

(AS PER HON'BLE SHRI A.V.HARIDASAN, MEMBER (JUDICIAL)

The grievance of the applicants who are Lecturers in the Railway Degree College, Lallaguda, is that they have been discriminated in the matter of fixation of pay as the recommendations of the University Grants Commission have not been implemented in their case and their pay has not been fixed accordingly. As similarly situated persons had filed OA 154/88, the applicants felt that the benefit of the judgment in that case would be extended to them also. Finding that it was not done, the applicants made a representation to the Chief Personnel Officer, South Central Railway, Secunderabad. They received the order dated 15.11.1990 in which they have been given the benefit of pay fixation with effect from 1.5.1990. The claim of the applicants is that they are entitled to have their pay fixed in accordance with the recommendations of the University Grants Commission with effect from 1.1.1986. Therefore, the applicants have prayed for the following reliefs:-

(i) to declare the Memo No. RDC/9/Staff/ Vol.VII, dated 15.11.1990 including the Railway Board letter No. E(P&A)/I-88/PS-5/PB-4, dated 17.10.1990 as

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illegal, arbitrary and without jurisdiction and offends the equality clause guaranteed under Article 14 of the Constitution of India and set-aside the same;

(ii) declare that the applicants are entitled for the University Grants Commission scale of pay of Rs. 700-1600 from the date of their respective dates of joining the service and for the revised UGC scales of pay from 1.1.1986 as per G.O.Ms.No.520 Education Department., dated 15.12.1988;

(iii) declare that the applicants cannot be discriminated in the payment of UGC scales of pay and the revised UGC scales of pay on the ground that the applicants have not moved this Honourable Tribunal;

(iv) compel the respondents to fix the pay of the applicants as per UGC scales of pay from the date of their joining the service and pay all the arrears upto date; and

(v) to grant such other relief or reliefs as the Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

2. The respondents in their reply ~~said~~ have contended that as the revised pay scale claimed by the applicants has been given to them w.e.f., 1-5-90

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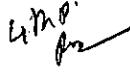
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on the basis of the judgement of this Tribunal in similar cases, on the applicants making a representation on 23-5-90, there is no subsisting grievance of the applicants which needs redressal.

3. We have heard the learned counsel of either side and we have also perused the records. Shri D. Gopala Rao, learned standing counsel for the respondents under instructions with the respondents stated at the bar that the pay scale of Rs. 700-1600 (Revised to Rs. 2200-4000) was given in the case of the Lecturers similarly situated like the applicants w.e.f., 1-1-86 restricting the monetary benefit to one year prior to filing of the application by them. We, therefore, are of the considered view that the applicants are entitled to similar relief, nothing more and nothing less.

4. In the result, the application is disposed of directing the respondents to fix the pay of the applicants in the scale of Rs. 700-1600 (Revised to Rs. 2200-4000) with effect from 1-1-1986 and pay them the consequent monetary benefits, (arrears of pay) restricting

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it for a period of one year prior to the date of filing of this application. This direction should be complied with within a period of three months from the date of communication of a copy of this order. No order as to costs.

Handwritten signature of A.B. Gorthi
(A.B. GORTHI)
MEMBER (ADMN.)

Handwritten signature of A.V. Haridasan
(A.V. HARIDASAN)
MEMBER (JUDL.)

DATED: 13th September, 1994.
Open court dictation.

vsn/spr.

Handwritten signature of Deputy Registrar (Judl.)
Deputy Registrar (Judl.)

Copy to:-

1. The Secretary, Railway Board, Rail Bhavan, Rafi Marg, New Delhi.
2. The General Manager, S.C.Railway, Rail Nilayam, Sec'bad.
3. The Chief Personnel Officer, S.C.Railway, Railnilayam, Secunderabad.
4. Principal, Railway Degree College, Lalaguda, Secunderabad.
5. One copy to Sri. V.Jegayya Sarma, advocate, CAT, Hyd.
6. One copy to Sri. D.Gopala Rao, Addl. CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

Rsm/-

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pm 21/9/94.*