

(79)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 1043/91.

Dt. of Decision : 27.1.95.

1. K.V.Ramana
2. T.V.Ramana
3. P.Muralidhara
4. M.V.G.V.Ramana
5. V.Bhadra Rao

.. Applicants.

Vs

1. The Railway Board, rep. by
its Chairman, Rail Bhavan,
New Delhi.
2. The Chief Personnel Officer,
SE Rly, Garden Reach Road,
Calcutta.
3. The Chief Administrative Officer (CN),
SE Rly, Visakhapatnam.

.. Respondents.

Counsel for the Applicants : Mr. P.Krishna Reddy
Counsel for the Respondents : Mr. N.R.Devaraj, Sr. CGSC.

CORAM:

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

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

O.A 1043/91.

Dt. of Decision : 27.1.95.

ORDER

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

The relief claimed by the applicants is for a direction to the respondents to give them two additional increments from the dates the applicants passed Section 'A' of A.M.I.E. examination.

2. The applicants are L.C.E. Diploma holders, when they joined the railway, but later on, they qualified in Section 'A' of A.M.I.E. examination during 1988-89. There was an incentive scheme which was in operation upto 30.6.1988. But later on, a new incentive scheme has been introduced with effect from 29.5.1989, according to which, for passing Part (i) or Section 'A' of A.M.I.E. two advance increments would be given to a Group 'C' employee. When the modified scheme was introduced in 1989, a reference was made to the old scheme dated 14.5.1966 and it was stated that the old scheme would continue as modified.

3. The respondents took the view that the old scheme ceased to be in existence with effect from 1.7.1988 and that the new scheme would come into operation only with effect from 29.5.1989. As the applicants passed Section 'A' of A.M.I.E. during the period between 1.7.1988 and 28.5.89, the respondents denied them the benefit admissible under the new scheme.

4. Similarly situated employees approached the Madras Bench of the Tribunal in OA.No. 1013/90 on the file of the said Bench. The said OA was allowed with a direction to the respondents to grant increments to the applicants in accordance with the new scheme that was introduced on 29.5.1989.

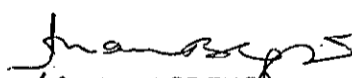
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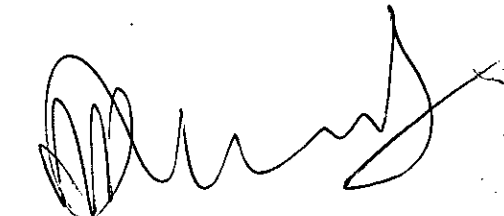
In coming to that conclusion the Tribunal found that the Railway Board's instructions dated 29.5.1989 merely modified the earlier scheme that was introduced in 1966. Accordingly, the Tribunal held that the new scheme would have to be given retrospective effect from 1.7.1988 when the old scheme became inoperative.

5. Having heard learned counsel for both the parties and having perused the material before us, we find that the applicants herein are similarly situated to those in OA. No. 1013/90 before the Madras Bench of the Tribunal and accordingly the applicants would be entitled to similar benefits.

6. In the result the OA is allowed with a direction to the respondents to give the applicants the benefit of the scheme introduced by the Railway Board vide its letter No.E(NG)I/87/IC2/1 dated 29.5.1989.

7. OA is ordered accordingly. No order as to costs.


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


(A.V. HARIDASAN)
MEMBER (JUDL.)

Dated : The 27th January 1995.
(Dictated in Open Court)


DEPUTY REGISTRAR(J)

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To

1. The Chairman, Railway Board, Rail Bhavan, New Delhi.
2. The Chief Personnel Officer, South Eastern Railway, Garden Reach Road, Calcutta.
3. The Chief Administrative Officer, (CN), South Eastern Railway, Visakhapatnam.
4. One copy to Mr. P. Krishna Reddy, Advocate, CAT, Hyderabad.
5. One copy to Mr. N.R. Devraj, Sr. CGSC, CAT, Hyderabad.
6. One copy to Library, CAT, Hyderabad.
7. One spare copy.

YLKR

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CHECKED BY

COMPARED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

THE HON'BLE MR.A.V.HARIDASAN : MEMBER(J)

AND

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

DATED : 27-1-95

ORDER/JUDGEMENT.

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

in

O.A.NO. 1043/91

Admitted and Interim directions
issued

Allowed ✓

Disposed of with Directions

Dismissed

Dismissed as Withdrawn

Dismissed for Default.

Rejected/Ordered ✓

No order as to costs.

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No spare copy

