

(24)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.935/92 with MA 436/92. Date of Judgement 17.11.92

S.R.Shenoy

.. Applicant

Vs.

1. The Railway Board,
Govt. of India,
Min. of Railways,
Rep. by its Secretary,
Rail Bhavan, New Delhi.
2. The General Manager,
S.C.Rly., Secunderabad.
3. Chief Electrical Engineer,
S.C.Rly., Secunderabad.
4. Sr. Divl. Electrical Engineer,
S.C.Rly., Secunderabad.
5. Dy. Chief Electrical Engineer,
Central Railway Workshop,
Matunga, Bombay-19. .. Respondents

Counsel for the Applicant : Shri Chakravarthy for
Shri G.Bikshapathy

Counsel for the Respondents : Shri N.V.Ramana, SC for Railways

CORAM:

Hon'ble Shri R.Balasubramanian : Member(A)

Hon'ble Shri C.J.Roy : Member(J)

[Judgement as per Hon'ble Shri R.Balasubramanian, Member(A)]

This O.A. is filed for a direction to fix his pay in the scale of Rs.1400-2300 w.e.f. 1.1.86.

2. The applicant joined the Central Railway as a Khalasi in February, 1959. He was promoted as Wireman in 1961 and later as Asst. Progress Chaser in 1964 in the scale of Rs.150-240. On the formation of South Central Railway in 1966, he was transferred to that zone. He was further promoted as Progress Chaser in 1964 in the scale of Rs.205-280. While the posts of Chasers were treated as Technical Cadre in Central Railway, they were treated as Ministerial Staff in South Central Railway where Head Clerks in the scale of Rs.205-280 are posted as

.....

Progress Chasers. With the implementation of III Pay Commission recommendations, the scale of Rs.205-280 was revised as Rs.330-560. There was, however, some anomaly in the replacement of the scale of Rs.150-240 (Technical Cadre). It is stated that there were two scales Rs.330-480 and Rs.380-560 replacing the scale of Rs.150-240. It was eventually decided that the scale of Rs.380-560 will replace the scale of Rs.150-240 from 1.1.73. The South Central Railway issued orders on 31.10.86 revising the scale of Rs.330-480 (original replacement of the scale of Rs.150-240) to the scale of Rs.380-560 w.e.f. 1.1.73. The applicant is aggrieved that while the scale of Rs.205-280 was replaced only by the scale of Rs.330-560, those in the scale of Rs.150-240 were placed in the higher range of Rs.380-560. He is also aggrieved that ^{while} some others in the scale of Rs.205-280 were given the scale of Rs.425-700, he who was drawing Rs.205-280 was given only Rs.330-560 scale. It is also stated that Progress Chasers in the Central Railway had been given the scale of Rs.425-700 from 1.1.73. Aggrieved, he filed O.A.No.475/89 which was decided on 1.3.90. It is his grievance that his case was rejected by the South Central Railway vide their letter dt. 16.4.91 and hence this O.A.

3. No counter is filed opposing admission of the O.A. The rival sides were heard.

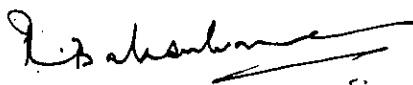
4. We have seen the judgement dt. 1.3.90 in O.A.No.475/89. The prayer in this O.A. is in effect the same as in that O.A. Hence this O.A. is hit by Res Judicata.


5. In that O.A., the Bench noted laches on the part of the applicant but, however, moulded the relief and directed the respondents to give the applicant the scale of Rs.425-700 notionally if the Progress Chasers in the similar trade in Central Railway had been given the scale of Rs.425-700.


.....

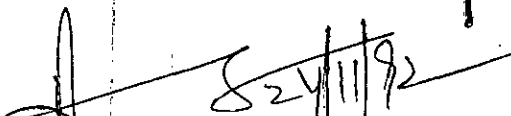
It is seen from the letter No.P/EL/487 dt. 16.4.91 of the Chief Personnel Officer, South Central Railway that the Progress Chasers ^{of S.C.Rly} had not been placed in the scale of Rs.425-700.

6. For the reasons stated above, we reject the case at the admission stage itself with no order as to costs. M.A.No.1136/92 filed for condonation of delay in filing the O.A. is also dismissed as unnecessary.


(R.Balasubramanian)
Member(A).


(C.J.Roy)
Member(J).


Dated: 17th November, 1992.


Deputy Registrar(J)

To

1. The Secretary, Railway Board, Govt.of India, Min. of Railways, Railbhavan, New Delhi.
2. The General Manager, S.C.Rly, Secunderabad.
3. The Chief Electrical Engineer, S.C.Rly, Secunderabad.
4. The Sr.Divisional Electrical Engineer, S.C.Rly, Secunderabad.
5. The Deputy Chief Electrical Engineer, Central Railway Workshop, Matunga, Bombay-19.
6. One copy to Mr.G.Bikshapathy, Advocate, CAT.Hyd.
7. One copy to Mr.N.V.Ramana, SC for Rlys, CAT.Hyd.
8. One spare copy.

pvm.

