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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.1147 of 1992

DATE OF JUDGMENT: 14th June, 1993

BETWEEN:

Mr. B.Murthy

&

Mr. K.Ramakoteswara Rao

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Applicants

AND

1. Union of India represented by
The General Manager,
Railway Electrification Project,
Allahabad.)

2. The Chief Project Manager,
Railway Electrification Project,
South Central Railway,
Vijayawada.

3. The Divisional Engineer,
Railway Electrification,
Kazipet.

4. The Sr. Personnel Officer,
Railway Electrification,
Vijayawada.

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Respondents

APPEARANCE:

COUNSEL FOR THE APPLICANTS: Mr. G.V.Subba Rao, Advocate.

COUNSEL FOR THE RESPONDENTS: Mr. D.Gopala Rao, SC for Railways.
represented by Mr.N.Rajeswara Rao.

CORAM:

Hon'ble Shri Justice V.Neeladri Rao, Vice Chairman

Hon'ble Shri P.T.Thiruvenagadam, Member (Admn.)

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JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE
SHRI P.T.THIRUVENGADAM, MEMBER (ADMN.)

The applicants in this OA are working as Gang Mates in Railway Electrification Organisation at Kazipet. They joined as Casual Labourers on daily rates and were confirmed in temporary status as Gang Men in the year 1984. The first applicant was promoted as Gang Mate on 1.9.1985 and the 2nd applicant was promoted as Gang Mate on 1.3.1986. Pending adoption of the 4th Pay Commission scales, the applicants' pay was fixed in the pay scale of Rs.225-308 as Gang Mate.

2. Gang Mates had been given two scales of pay viz., Rs.225-308 and Rs.260-400 prior to 4th Pay Commission. With the adoption of the Pay Scales of the 4th Pay Commission, both the scales of Gang Mate have been merged together and a single replacement scale of Rs.950-1500 has been provided for this category. The Administration had given the scale of Rs.825-1200 to the two applicants herein from 1.1.1986/1.3.1986 as equivalent of the scale of Rs.225-308 is Rs.825-1200 as a general replacement scale. This OA has been filed seeking orders of the Tribunal to direct the respondents for implementing the pay scale of Rs.950-1500 for the two applicants from 1.1.1986/1.3.1986 respectively.

3. In the counter, it was averred in Para 4 as under:-

"It is submitted that the applicants have no case even on merits also. The brief facts of the case as under:

It is submitted that the first applicant was engaged as a casual labour on daily rates on

14.8.72 and thereafter was given temporary status as Gang Man in the scale of Rs.200-250 (RS) w.e.f. 1.1.1984 and the second applicant was engaged as Casual Labour on 24.7.72 and thereafter as per Railway Board letter dt. 11.9.86 he was granted temporary status as Gangman in the scale of Rs.200-250 (RS) w.e.f. 13.10.84. The next grade that is in turn for Gangman (Regular) is Rs.210-270 (RS) as Sr. Gangman but the applicants were given the grade of Rs.225-308 w.e.f. 1.9.85 and 1.3.86 respectively, for which the applicants are not entitled, even for the post of Sr.Gangman also, as they are casual labour."

4. It is not in dispute that the applicants have been designated as Gang Mates and have also been discharging the duties of Gang Mate at the time they have been promoted. Accordingly they are eligible for the scale of Rs.950-1500 which ~~is only~~ the pay scale available for Gang Mate after the ~~introduction~~ of the 4th Pay Commission scales.

5. It is not necessary for the disposal of this OA to go into the plea of the respondents that the promotion of the applicants as Gang Mate is irregular. It is open to the administration to examine this issue and take action as per the rules. If thereby the applicants were aggrieved, they are free to move this Tribunal. But so long as the applicants are discharging their duties as Gang Mates on their promotion to the said post, they are eligible to the pay scale of Rs.950-1500.

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6. The question of limitation does not arise in this case for this OA was filed within 1½ years after the representation dated 31.8.1991 was submitted which is not yet disposed of. The applicants submitted the representation requesting the respondents to give them the pay ~~x~~ in the pay scale of Rs.950-1500 which is applicable to them as per the report of the 4th Pay Commission which is accepted by the Central Government. If any order is passed by the respondents against the applicants on the basis of the said representation, this Tribunal would have naturally directed the respondents to give them the scale of Rs.950-1500 on the dates of their respective promotion as they are entitled to it as per the report of the 4th Pay Commission. If any order passed contra by the respondents would have been held as illegal. Hence, this is a case where a direction has to be given to the respondents to pay the difference in pay and allowances from the dates of their respective promotion.

7. In the result, this OA is ordered directing the respondents to pay the difference in pay and allowances of the applicants from the dates of their respective promotion in the pay scale of Rs.950-1500 that is applicable to them from those dates. As already observed, it is without prejudice to the plea of the respondents that the promotion of the applicants to the post of Gang Mate is irregular and they are free to take such action that is open to them as per the rules and if ultimately any order prejudice to the

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applicants is going to be passed in regard to their promotion, they are free to move this Tribunal. The 2nd respondent has to implement this order within three months from the date of receipt of the same. Office has to communicate this order by 28.6.1993. No costs.

(Dictated in the open Court).

P.T.Thiru

(P.T.THIRUVENGADAM)
MEMBER (ADMN.)

Neeladri
(V.NEELADRI RAO)
VICE CHAIRMAN

DATED: 14th June, 1993.

7/6/93
Deputy Registrar (J)

vsn

TO

1. The General Manager, Union of India, Railway Electrification Project, Allahabad.
2. The Chief Project Manager, Railway Electrification Project, S.C.Rly. Vijayawada.
3. The Divisional Engineer, Railway Electrification, Kazipet.
4. The Senior Personnel Officer, Railway Electrification, Vijayawada.
5. One copy to Mr.G.V.Subba Rao, Advocate, CAT.Hyd.
6. One copy to Mr.D.Gopal Rao, SC for Rlys.CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. One spare copy.

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*stamped
14.6.93*

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN
AND

THE HON'BLE MR. A. B. GORTY : MEMBER (AD)
AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY
MEMBER (J)
AND

THE HON'BLE MR. P. T. TIRUVENGADAM : M(A)

Dated : 14-6-1993

ORDER/JUDGMENT:

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

in
O.A. No. 1147/92

T.A. No. (w.p.)

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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