

(58)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : : HYDERABAD BENCH  
AT HYDERABAD

OA.286/92

Date of order : 4-6-1992

Between

1. P. Prabhakar
2. K. Subba Reddy
3. P.B. Padmanabham
4. P.V.K. Vittal, and
5. Smt. K. Hemalatha Ujjiel

... Applicants

And

1. The Chairman  
Railway Board  
Ministry of Railways  
'Rail Bhavan', New Delhi
2. The General Manager  
South Central Railway  
'Rail Nilayam', Secunderabad 500371
3. The Comptroller and Auditor General  
of India  
10, Bahadurshah Zafar Marg  
Post Bag No.7  
Indraprastha Head Post Office  
New Delhi 110 002
4. The Principal Director of Audit  
South Central Railway  
Secunderabad 500 371

... Respondents

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Counsel for the applicants : Mr. N. Raghavan  
Advocate

Counsel for the respondents : Mr. N.R. Devaraj  
SC for Railways

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CORAM :

HON. Mr. A.B. GORTHI, MEMBER (ADMN.), ALLAHABAD BENCH

HON. Mr. C.J. ROY, MEMBER (JUDL.)

(Order of the Division Bench delivered by Hon. Mr. A.B.Gorthi,  
Member (Admn.)

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The applicants are the Assistant Audit Officers in the office of the Principal Director of Audit, South Central Railway. The relief sought by them in this application is that the orders of the respondents withdrawing certain benefits such as free passes, privilege ticket orders, post retirement passes etc. to which the Assistant Audit Officers were previously entitled, be declared illegal and void and to restore the said privileges to them.

2. In 1983, on the recommendations of the Comptroller and Auditor General of India, Govt. of India, sanctioned 80 per cent of the Section Officers posts to be re-designated as Assistant Audit Officers (Group-B, Gazetted) in the pre-revised pay scale of Rs.650-1040, which was revised to Rs.2000-3200 on the implementation of the IV Pay Commission Report. As the post of Assistant Audit Officer was a Group-B Gazetted post, the Railway authorities allowed them certain privileges in the matter of grant of free passes, PTOs, post retirement passes etc., as were applicable to regular Railway Employees of the same status. The position was, however, reviewed by the Railway Board and it was decided vide the Railway Board's letter dated 27-7-89 that the Assistant Audit Officers in the scale of Rs.2000-3200 would be given privileges and facilities as admissible to the Railway employees in identical scale of pay, viz., Rs.2000-3200. Railway employees in the said scale of pay belong to Non-gazetted Group-C Category. Consequently the privileges and facilities being given to Assistant Audit Officers were curtailed to those admissible to Group-C non-gazetted Railway employees.

3. Aggrieved by the revised decision of the Railway Board, a large number of applicants approached the various Benches of the Tribunal. All the said applications, 13 in number, were heard and decided by the Principal Bench vide judgement dated 13-3-1991. The leading case covered by the said judgement is that of Sri Ananta Kumar Kar and others Vs. Union of India and others (OA.1543/91). Extracts from the concluding portions of the judg

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ment which are reproduced below :

"It will be observed that the Third Central Pay Commission, keeping in view the needs of the travelling public had made specific recommendations to reduce the level of privilege passes and PTOs even to the Railway servants. We have no doubt that the respondents would have considered these recommendations and taken steps to curtail these facilities. Any judicial interference in a matter like this, resulting in liberalisation of issue of privilege passes and PTOs would aggravate inconvenience and hardship to the travelling public who pay for their journeys. It is not the case of the applicants that no facility is available to them for travelling, as is applicable to the Railway servants in the equivalent scale of pay. What they are seeking is enlargement of number of privilege passes and PTOs, enabling them not only to travel free but also by a higher class to which even the Railway servants in equivalent grade are not entitled.

In the above conspectus of the case, we are not persuaded to accept that the applicants have any established legal right for grant of privileges to them which are available to Group 'B' officers on the Railways, who are admittedly in the higher scale of pay, as compared to the applicants.

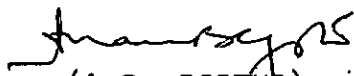
Accordingly, the OA is dismissed."

As the instant application is squarely covered by the aforesaid judgement, it is liable to be dismissed. We order

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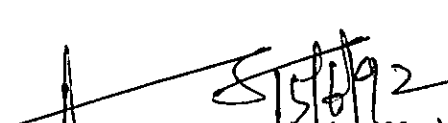
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accordingly. There shall be no order as to costs.

  
(A.B. GORTHI)  
Member (Admn.)

  
(C.J. ROY)  
Member (Judl.)

Dated 4th June, 1992

  
Deputy Registrar (Judl.)

Copy to:-

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1. The Chairman Railway Board, Ministry of Railways, Rail Bhavan, New Delhi.
  2. The General Manager, South Central Railway, Rail Nilayam, Secunderabad-71.
  3. The Comptroller and Auditor General of India, 10, Bahadurshah Zafar Marg, Post Bag No.7 Indraprastha Head Post Office, New Delhi-110 002.
  4. The Principal Director of Audit South Central Railway, Secunderabad-371.
  5. One copy to Sri. N.Raghavan, advocate, 113, Jeera compound, Secunderabad.
  6. One copy to Sri.N.R.Devaraj, SC for Railways, CAT, Hyd.
  7. One copy to Hon'ble Mr. A.B.Gorthi, Administrative Member, C.A.T. Allahabad Bench, Camp at Hyd-Bench.
  8. One copy to Sri. C.J.Roy, Judicial Member, CAT, Hyd.
  9. One spare copy.

Rsm/-



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0.17-286/92  
TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

THE HON'BLE MR. A.B. GOshi App.

AND

THE HON'BLE MR. R. BALASUBRAMANIAN:M(A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY:  
MEMBER (JUDL)

AND

THE HON'BLE MR. C.J. ROY : MEMBER (JUDL)

Dated: 4/6/1992.

ORDER / JUDGMENT

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

in

O.A.No.

286/92

T.A.No.

(W.P.No.)

Admitted and interim directions  
issued

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for Default.

M.A. Ordered/Rejected.

No order as to costs.

pvm.

