

(47)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.501/92.

Date of Judgement 5.3.1993 .

G.Prabhakar Rao

.. Applicant

Vs.

1. Chief Personnel Officer,
S.C.Rly., Rail Nilayam,
Secunderabad.
2. Dy. Chief Mechanical Engineer,
S.C.Rly., Wagon Workshop,
Guntupalli, Krishna District.
3. Workshop Personnel Officer,
Wagon Workshop, S.C.Rly.,
Guntupalli, Krishna District.. Respondents

Counsel for the Applicant :: Shri N.Raghavan

Counsel for the Respondents :: Shri N.R.Devaraj, SC for Rlys.

CORAM:

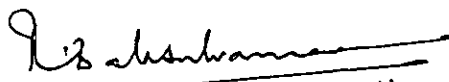
Hon'ble Shri R.Balasubramanian, Member(A)

This application has been filed by Shri G.Prabhakar Rao against the Chief Personnel Officer, S.C.Rly., Rail Nilayam, Secunderabad & 2 others under section 19 of the Administrative Tribunals Act, 1985 with a prayer:

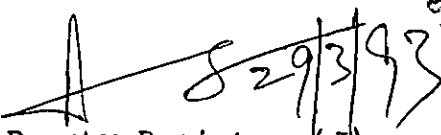
- (a) to declare the order of the Dy. Chief Mechanical Engineer i.e., 2nd respondent herein in proceeding No.GR/P.535/4/Vol.VI dt. 26.10.91 as void and unjustified and consequently
- (b) to order the respondents to pay the arrears of wages being the difference between what was the pay fixed previously and what is now fixed on the orders passed in O.A.No.490/90 w.e.f. 1.1.84 to 9.6.88,
- (c) to award compensation of Rs.5,000/- together with interest at 12% p.a. from 10.6.88 till the date of payment, and
- (d) any other relief or reliefs as the Tribunal deems fit and proper in the interest of justice.

2. The applicant was working as Chargeman 'A' Grade in Wagon Workshop of Rayanpadu at Guntupalli, Krishna District in the scale of Rs.550-750 (RS). On 17.5.85, by letter No.PC.III/83/UPG/3 dt. 1.5.84 of Railway Board, the posts of Chargeman 'A' Grade were upgraded to the scale of Rs.700-900 (RS) w.e.f. 1.1.84. All the Chargeman 'A' Grade were promoted to officiate as Junior Shop Superintendent in the scale of Rs.700-900 (RS) by virtue of seniority-cum-suitability/modified selection grade, excepting the applicant herein and another employee Shri K.V.Ramanamurthy. In spite of the applicant's representation, his case was not considered. Hence, the applicant and the other employee filed W.P.No.5306 of 1985 in the Hon'ble High Court of Andhra Pradesh which was later transferred as T.A.No.167 of 1986 and disposed with a direction that the applicant's case and that of Shri K.V.Ramanamurthy should be considered for promotion ignoring the adverse confidential reports, because the appeal given by the applicant and the other employee in respect of adverse confidential reports of earlier years were not disposed of by the respondents. Upon this judgement of the Tribunal in T.A.No.167 of 1986 the respondents again committed another injustice to the applicant i.e., while they promoted Shri K.V.Ramanamurthy against the upgraded post of Junior Shop Superintendent in the scale of Rs.700-900 (RS) w.e.f. 1.1.84, the applicant was not considered. The applicant, therefore, filed another O.A.No.49 of 1990 and the Tribunal allowed the O.A. with a direction that the applicant should be promoted as Junior Shop Superintendent w.e.f. 1.1.84 in the scale of Rs.700-900 (RS) revised as Deputy Shop Superintendent in the scale of Rs.2000-3200 (RSRP). The respondents while promoting the applicant accordingly w.e.f. 1.1.84 in the scale of Rs.700-900 (RS)/Rs.2000-3200 (RSRP) and also fixing his pay in the said scales w.e.f. 1.1.84 and progressed his increments year by year refused to pay arrears of salary by way of difference between the pay drawn and now refixed.

to the duties he discharges and I am not inclined to order arrears if the scale of Rs.700-900 carried higher responsibilities than ^{the scale of} the scale of Rs.550-750. But then, the scheme is of upgradation and at one point ^{during} of the hearing Shri N.R.Devaraj ~~even~~ stated that there is no change in responsibilities consequent to the upgradation. If this be so, I direct the respondents to pay the arrears by way of difference between the old and upgraded emoluments for the period 1.1.84 to 9.6.88. This direction shall be complied with by the respondents within a period of three months from the date of receipt of this order. The application is disposed of thus with no order as to costs.


(R. Balasubramanian)
Member (A).

Dated: 5th March, 1993.


Deputy Registrar (J)

To

1. The Chief Personnel Officer,
S.C.Rly, Railnilayam, Secunderabad.
2. The Deputy Chief Mechanical Engineer,
S.C.Rly, Wagon Workshop, Guntupalli,
Krishna Dist.
3. The Workshop Personnel Officer,
Wagon Workshop, S.C.Rly,
Guntupalli, Krishna Dist.
4. One copy to Mr.N.Raghavan, Advocate, 113, Jeera compound,
Secunderabad.
5. One copy to Mr.N.R.Devraj, SC for Rlys, CAT.Hyd.
6. One spare copy.

pvm