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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.535 of 1992

DATE OF JUDGMENT: 4th ^{NOV} ~~OCTOBER~~, 1992

BETWEEN:

S/Shri

1. S.Rajamani
2. K. Anantha Charyulu
3. Y.Bharavi
4. B.Raja Reddy
5. B.Venkata Ramudu
6. S.Nalla Muthu
7. V.M.Krishna Unni
8. G.Venkatesh
9. G.Kumar

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Applicants

AND

1. Union of India represented by
The General Manager,
South Central Railway,
Secunderabad.
2. The Chairman,
Railway Board,
New Delhi.

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Respondents

COUNSEL FOR THE APPLICANTS:

Mr. Suryanarayana Sastry, Advocate

Mr. G.Ramachandra Rao

COUNSEL FOR THE RESPONDENTS:

Mr. N.V.Ramana, & SC for Rlys.

CORAM:

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

Hon'ble Shri C.J.Roy, Member (Judl.)

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JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE
SHRI C.J.ROY, MEMBER(JUDL.)

This is an application under Section 19 of the Administrative Tribunals Act, 1985 filed by the applicants claiming a relief to direct the respondents herein to fix their pay in the scale of pay of Rs.1600-2660 (RSRP) with effect from 15.5.1987 or from the dates of their absorption in the regular working posts of Assistant Station Master, Assistant Yard Masters and Section Controllers as the case may be, with all consequential benefits including the arrears of pay.

2. The facts that are necessary to determine the case are briefly as follows:-

The applicants joined the Railways as Traffic Apprentices and after the prescribed training they are holding different posts under the respondents. The grievance of the applicants is that at present they are being fixed only in the grade of Rs.1400-2300 and/or Rs.1400-2600.

3. The 2nd respondent had issued a Circular No.E(NG)/11/84/RC-III/15(AIRF), dated 15.5.1987, reducing the training period of the Traffic Apprentices from 3 years to 2 years and on completion of the training, the scale of pay on absorption in the regular working post was fixed at Rs.1600-2660(RSR).

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But the said benefit was confined only to Traffic Apprentices to be recruited after issue of the said circular. Aggreived by this, the applicants made representations which were not yet replied. Hence, this application.

4. We have heard the learned counsel for the applicant, Mr. Suryanarayana Sastry for Mr. G.Ramachandra Rao and the learned Standing Counsel for the Respondents, Mr. N.V.Ramana.

5. During the course of the arguments, the learned counsel for the applicants filed a copy of the Judgment dated 7.8.1991 in O.A.No.69/91 of this Tribunal, stating that the facts and circumstances of the present case are similar to that of the O.A.No.69/91 and that similar directions may be given to the respondents ^{herein}. He also filed a copy of the Judgment dated 2.12.1991 in Regn.No.O.A.1395/90 of the Principal Bench of the Central Administrative Tribunal.

6. The learned Standing Counsel for the Respondents on the other hand filed a copy of the Order dated 17.9.1992 in Application Nos.451 and 548/91 of the Bangalore Bench of the Tribunal stating that the Bangalore Bench of the Tribunal had ^{dis}ferred with the decision taken by the Madras Bench in O.A. Nos.322/1988 and 488/1987, "Bright Samuel and others Vs. Union of India and others", which was followed by ~~xx~~ this Tribunal while giving the decision in O.A.No.69/91. He further states that the Bangalore Bench referred the case to the Chairman, Central Administrative Tribunal for constituting a Larger Bench.

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7. We have examined the case and perused the decisions filed by both the learned counsel for the applicants and the respondents.

8. In O.A.No.69/91, following the Judgment of the Madras Bench in their O.A.Nos.488/87 and 322/88 which was eventually upheld by the Hon'ble Supreme Court in S.L.P. No.7553/90, this Tribunal allowed the O.A. 69/91 directing the respondents that "the benefit of revision of pay and fitments on absorption vide Railway Board's letter No.E(NG) II/84/RC3/15(AIRF), dated 15.5.1987 should be given to the applicants therein with effect from 15.5.1987 with consequent monetary benefits and that this shall be done without putting them through any final retention tests."

9. However, the Bangalore Bench of the Central Administrative Tribunal in O.A.Nos.451 and 548/91 deferred with the decision taken by the Madras Bench in O.A.Nos.488/87 and 322/88 cited supra, and referred the case to the Hon'ble Chairman, Central Administrative Tribunal, New Delhi for constituting a Larger Bench. It is urged that the Larger Bench has not yet been constituted. We find that the applicants before us are similarly placed as those who were before the Madras Bench.

10. In view of the fact that the Full Bench is not yet constituted and also in view of the fact that the Judgment of the Madras Bench in their O.A.Nos.488/87 and 322/88 was upheld by the Hon'ble Supreme Court in SLP No.7553/90, we fall in line with the Judgments pronounced earlier.

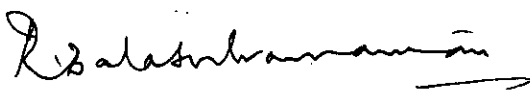
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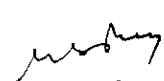
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11. In the result, we direct that the benefit of revision of pay and fitments on absorption vide Railway Board's letter No.E(NG)II/84/RC3/15(AIRF), dated 15.5.1987 should be given to the applicants herein with effect from 15.5.1987 with consequent monetary benefits, ^{like pay fixation notionally.} This shall be done without putting them through any final retention tests. The arrears, if any, may however be worked out from 2.7.1991 only i.e., one year prior to filing this O.A., within the limitation period, stipulated in Section 21 of the Administrative Tribunals Act, 1985. We also direct that the fitments should be done and the arrears as above disbursed within a period of three months from the date of receipt of this order.

12. The application is accordingly allowed at the admission stage. There is no order as to costs.


(R.BALASUBRAMANIAN)
Member (Admn.)


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

Dated: 4th November, 1992. Deputy Registrar

To

1. The General Manager, Union of India, S.C.Ply, Secunderabad.
2. The Chairman, Railway Board, New Delhi.
3. One copy to Mr.G.Ramachandra Rao, Advocate, CAT.Hyd.
vsn
4. One copy to Mr.N.v.Ramana, SC for Rlys CAT.Hyd.
5. One spare copy.

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5th Nov 1992
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