

(25)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

...

OA No. 654/92

Date of Judgement : 4-12-92.

BETWEEN

Mr. K. Mohan Rao

: Applicant

AND

1. Railway Board rep. by its Secretary, New Delhi.
2. Chief Project Manager, Railway Electrification, Secunderabad.
3. General Manager, Railway Electrification, ALD, Allahabad.

: Respondents

COUNSEL FOR THE APPLICANT

: Mr. G. Parameshwara Rao

COUNSEL FOR THE RESPONDENTS

: Mr. D. Gopala Rao

...

CORAM

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

Hon'ble Shri T. Chandrasekhara Reddy, Member (Judl.)

...

(Judgement of the Division Bench as delivered by  
Shri R. Balasubramanian, Member, (Admn.)

....

The facts of the case in brief are

The applicant was recruited as Junior Clerk on 1-7-81 and Shri G. Mallikarjunaiah was junior to the applicant in the Junior Clerks cadre, having joined the cadre later i.e. on 6.2.82. Due to exigency of service Shri Mallikarjunaiah though junior got an opportunity for ad hoc promotion on 10.5.83 itself whereas such a benefit was

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Copy to:-

1. Secretary, Railway Board, New Delhi.
2. Chief Project Manager, Railway Electrification, Sec-bad.
3. General Manager, Railway Electrification, ALD, Allahabad.
4. One copy to Sri. G. Parmeshwar Rao, advocate, 3-4-453/454, Narayanaguda, Hyd.
5. One copy to Sri. D. Gopala Rao, SC for Railways, CAT, Hyd.
6. One spare copy.

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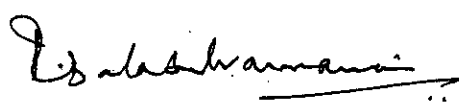
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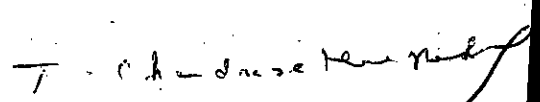
available to the senior Shri Mohan Rao, the applicant only on 1-7-85. Eventually, both of them were promoted on a regular basis as Senior Clerks w.e.f. 24-5-91. On such a promotion, Shri Mallikarjunaiah, the junior was placed at a higher stage of the pay scale than the senior, the applicant herein. Aggrieved, the applicant has come up with this OA.

The respondents opposed the application and filed a counter relying on 2 circulars of the Railway Board appended as Annexure 3 & 4 to the application.

We examined the case and heard the rival sides. It is by now an established law that where on a regular promotion of this <sup>type</sup> nature, the junior is placed at a higher stage in the pay scale, the pay of the senior has to be stepped up. This law has been upheld by the Hon'ble Supreme Court also. We examined the 2 circulars of the Railway Board relied upon by the respondents. There is nothing in these circulars contrary to the law already indicated. Under these circumstances, we direct the respondents to step up the pay of the applicant on par with Shri Mallikarjunaiah from the date of regular promotion namely 24-5-91 and pay him the arrears thereof also.

The application is, accordingly allowed with no orders as to costs.

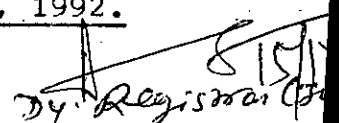
  
(R. Balasubramanian)  
Member (Admn.)

  
(T. Chandrasekhara Reddy)  
Member (Judl.)

Open Court judgement

Dated 4th December, 1992.

NS

  
Dy. Registrar

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AM.  
14/12 O.A. - 654/92

TYPED BY

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COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
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HYDERABAD BENCH

HYDERABAD

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: AT HYDERABAD

THE HON'BLE MR.

V.C.

AND

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

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY: M(J)

AND

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

Dated: 14/12/1992 ✓

ORDER/JUDGMENT:

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

in

O.A. No.

654/92

T.A. No.

(W.P. No. )

Admitted and Interim Directions issued

Allowed

Disposed of with directions

Dismissed

Dismissed as with drawn

Dismissed for default

M.A. Ordered/Rejected

No order as to costs.

pvm.

3/14/92  
7.11.92

