

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

C.A. 997/93.

Dt. of Decision : 06-01-97.

K.Gopal Rao

.. Applicant.

Vs

1. The General Manager,
SC Rly, Sec'bad.
2. The Dy. Chief Electrical Engineer,
Workshop, Lalaguda, SC Rly,
Sec'bad.
3. The Secretary, M.n. of Personnel &
PG & Pensions, (Dept. of P & Trg.),
Govt. of India, New Delhi.



.. Respondents.

Counsel for the applicant : Mr.V.Jagapathi

Counsel for the respondents : Mr.C.V.Malla Reddy, SC For Rlys.

CCRAM: -

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

THE HON'BLE SHRI E.S. JAI PARAMESHWAR : MEMBER (JUDL.)

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[Signature]

was also not shown as clerical type. The applicant has not
the condition laid down
in Railway Board's Serial No.78/87 dated 19-5-87.

5. In this connection we will like to draw upon the discussion made in OA.642/92 (Mr.M.Ramachandra Das Vs Union of India & Others decided on 10-04-96. In that OA the applicant therein was Equipment Assistant in Air Force. He joined as Commercial Clerk in Railways in the grade of Rs.260-430/-. There also the applicant relying on the said circulated dated 21-5-87 prayed for fixation of his pay granting benefit of his services in the defence services. We have held in that OA that only combatant clerks who were discharging the duties of clerical nature in the defence force when appointed as a Junior Clerk/Storesman in the railways are entitled for the benefit of higher fixation counting the services rendered by them in the defence post. As the applicant therein was employed as a Commercial Clerk it was held by the Bench that the applicant therein was not entitled for higher fixation in terms of the said Railway Board's circular and that OA was dismissed. The main consideration that decided *was he employed in defence services* the duties of Clerical nature will be useful when they were employed in the railways in the clerical posts, *As* their expertise as clerk in army can be utilised in the railways. But if they ~~XXXX~~ are not utilised in Railways in the clerical posts as Junior Clerk/Storesman then they are not entitled for higher pay fixation if employed in any other category. The above view holds good in this OA also. The applicant neither discharged the clerical function in the defence service and nor ~~he~~ was employed in clerical work in railways. In view of the above, we find

consideration of the total number of years of service as unconstitutional. The amendment to the prayer was allowed on 17-06-1994 in MA.No.290/94.

3. A reply has been filed in this OA. The ~~xxxxxx~~ main contention of the respondents as seen from the counter is that the applicant was a Junior Warrant Officer in defence service which is not equivalent to ~~xxxxxx~~ ^{xxxxxx} the clerical duties. When he was posted as Chargeman he was not performing the duties of a Junior Clerk or Storesman in the Railways. Hence, the serial circular No.78/87 dated 19-5-87 quoted by him is not relevant to his case. As per para-16 of The Railway Board's letter No.E(G) 86 EMI-8 dated 21-1-87 (Annexure-R-2) is ~~only~~ ^{in principle} fixation of pay granting benefit of the service rendered ⁱⁿ defence services only to those combatant clerk re-employed as Junior Clerk/Storesman in the railways. They further submit that the applicant was employed as a fresh candidate in a higher scale of pay i.e., 1400-2300/- which is higher than the scale of pay of Junior Clerk/Storesman which is in the grade of Rs.950-1500/- ^{and hence he is not entitled for higher fixation at the rank.}

4. A rejoinder has been filed in this OA. Even in this rejoinder nowhere it is stated that the applicant was performing the duties of combatant clerk, ~~and that he~~ ~~is~~ performing the duties of clerical nature in the defence posts. It is also admitted that he was a Junior Warrant Officer in army which nowhere it is shown is equivalent to the ~~xxxxxx~~ ^{xxxxxx} of clerical nature. It is also admitted that he joined railways as Chargeman-B in the grade of Rs.1400-2300/- higher than the scale of pay of Junior Clerk. The post in which he joined in railways

that this OA is also liable to be dismissed for the reasons stated in the judgement in OA.642/92 dated 10-04-96.

6. In the result, we find no merit in this OA. Hence, the OA is dismissed. No costs.

प्रमाणित की
CERTIFIED TO BE TRUE COPY

Devendra Daul

न्यायालय अधिकारी

COURT OFFICER

केन्द्र प्रशासनिक अधिकरण

Central Administrative Tribunal

हैदराबाद न्यायपीठ

HYDERABAD BENCH