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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION-NO.1379-of 1993

DATE-OF-ORDER:-31st-December,-1996

BETWEEN:

M.APPALA NAIDU

.. APPLICANT

AND

1. The Dy.Chief Mechanical Engineer,
Carriage Repair Shop, S.C.Railway,
Tirupathi 517506,
2. The Chief Personnel Officer,
S.C.Railway,
Secunderabad.

.. Respondents

COUNSEL FOR THE APPLICANTS: SHRI G.V.SUBBA RAO

COUNSEL FOR THE RESPONDENTS: SRI V.BHIMANNA, Addl.CGSC

CORAM:


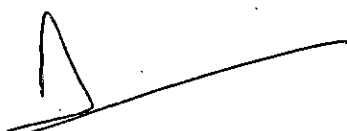
HON'BLE SHRI R.RANGARAJAN, ADMINISTRATIVE MEMBER

HON'BLE SHRI B.S.JAI PARAMESHWAR, JUDICIAL MEMBER

JUDGEMENT

ORAL ORDER (PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.))



Heard Shri G.V.Subba Rao, learned counsel for the applicant
and Shri V.Bhimanna, learned standing counsel for the respondents.

2. The applicant joined as Apprentice Mechanic in the Railway Workshop at Hubli on 22.11.75. Thereafter he was absorbed as Chargeman-B on 22.11.77 on completion of two years' training. He was promoted as Chargeman-A in the grade of Rs.550-750 on 6.8.81 on
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regular basis and as a Deputy Shop Superintendent in the scale of pay of Rs.700-900 on 1.1.84. When he was working as Chargeman-A in the grade of Rs.550-750, he applied in response to the notification issued by the Chief Mechanical Engineer, Hubli Workshop calling for volunteers to join the Carriage Repair Workshop at Tirupathi which was established newly at that time. The applicant volunteered in response to the notification and he was absorbed in the CRS, Tirupathi in the grade of Rs.550-750. Even though he was working as Dy.Shop Superintendent in the scale of pay of Rs.700-900, he was taken as Fitter Chargeman-A in the scale of pay of Rs.550-750 in CRS/Tirupathi. The applicant submits that one Shri P.V.B.Narayana Rao also joined as Apprentice Mechanic along with him and he was shown junior to him. He was subsequently promoted to the higher grade of Chargeman-A, Chargeman-B etc, later to the applicant. However, the said Shri Narayana Rao also volunteered to join the CRS, Tirupathi. But he was ^{not} relieved along with the applicant in 1984 to join at Tirupathi CRS but was relieved later. When the said Shri Narayana Rao joined Tirupathi CRS he was also absorbed in the grade of Rs.550-750 but subsequently within a short period he was promoted to the higher grade of Rs.2000-3200. Because of his later joining in the CRS after getting higher emoluments in Hubli, his pay in the grade of Rs.2000-3200 was fixed at the higher stage and thus he drew more salary in that grade as compared to the applicant, ~~with the said Narayana Rao.~~ The applicant filed representation for stepping up of his pay on par with his junior by ^{his} ~~the~~ representation dated

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7.8.92 (Page 11 of the OA). That representation was disposed of by the letter dated 27.11.92 (Page 8 of the OA). His claim was rejected on the basis that the seniority units viz, PCO (Carriage Shop) and Foundry shop in Hubli Shops. It was also informed to him that his case has been referred to Headquarters to further clarify in this regard. But it is stated that no clarification has been received so far from the Headquarters.

3. This OA is filed for setting aside the impugned order dated 27.11.92 and for consequential direction to step up the pay of the applicant on par with that of Shri PVB Narayana Rao who is his immediate junior in the post of Shop Superintendent in the scale of pay of Rs.2375-3500 from the date he started getting higher rate of pay with all consequential benefits such as arrears of pay and allowances.


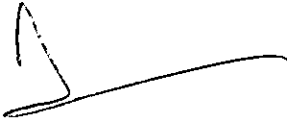
4. The main reason for rejecting the claim of the applicant for stepping up of his pay is due to the fact that the applicant and Shri PVB Narayana Rao, his immediate junior, do not belong to the same seniority unit when they were working in Hubli Shop. Hence the respondents submit that the applicant cannot compare his pay with that of the pay of the employee who does not belong to the same seniority unit and hence the question of stepping up of his pay does not arise. The applicant has not produced any material to show that he and Shri PVB Narayana Rao belong

to the same seniority unit in Hubli Shop. This can be proved only by enclosing a proper seniority list of Chargemen-B in the Hubli Shop wherein both the applicant and Shri PVB Narayana Rao should have been shown in the same seniority list.

5. In Para 5 of the rejoinder to the reply, the applicant states that the supervisory officers such as Chargemen-B and above have combined seniority. But no such combined seniority list has been enclosed to the rejoinder. Hence it has to be held that proper material has not been produced in the OA for coming to a decisive conclusion. Further, checking of seniority list to see whether both of them belong to the same seniority unit or not is a factual verification and this can be done ^{easily} ~~readily~~ from the official records. Hence we leave it to R-2 to decide this issue in accordance with law after checking the seniority list available in Hubli Shop. It is also to be noted that his case ~~had~~ already been referred to R-2 by the impugned letter dated 27.11.1992 which is yet to be disposed of. R-2 should immediately examine the issue keeping note of the observations made as above and decide this issue in accordance with law.

5. The applicant is also permitted to submit a detailed representation in this connection with all the relevant material to prove his case to R-2. Time for compliance is three months from the date of receipt of a copy of the representation as indicated above from the

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Copy to:-

1. The Dy. Chief Mechanical Engineer, Carriage Repair Shop, S.C.Railway, Tirupathi.
2. The Chief Personnel Officer, S.C.Railway, Secunderabad.
3. One copy to Sri. G.V.Subba Rao, advocate, CAT, Hyd.
4. One copy to Sri. V.Bhimanna, SC for Rlys, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

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TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR:
M(J)

DATED: 31/12/96

~~ORDER/JUDGEMENT~~

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

O.A.No.

1379/93

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLIED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

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