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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
HYDERABAD

O.A.NO.1491/93

Between:

Date of Order: 27.6.95.

- | | |
|----------------------|-------------------------------|
| 1. Mohd. Maqbool | 11. A. Shambhulingam |
| 2. N. Rajaiah | 12. Mohd. Khaja |
| 3. D. Satyanarayana | 13. Bande Ali |
| 4. P. Milington | 14. S. Venkat Narayana |
| 5. D. Narayana | 15. B. Rama Swamy |
| 6. S. V. Krishna Rao | 16. K. Mysaiah |
| 7. D. Rajaiah | 17. P. Lakshmoji Rao |
| 8. Syed Osman | 18. K. Rahimthujani |
| 9. N. Ramulu | 19. B. R. G. L. Suryanarayana |
| 10. Mohd. Shafuddin | 20. A. K. Jdelani |
| | 21. Syed Jamil Ahmed |

... Applicants.

And

1. Union of India represented by
The General Manager,
South Central Railway,
Railnilayam,
Secunderabad.
2. The Divisional Railway Manager,
(Broad Gauge), South Central Railway,
Opp. Railnilayam,
Secunderabad.

... Respondents.

Counsel for the Applicants : Mr. G. Ramachandra Rao

Counsel for the Respondents : Mr. G. S. Sanghi, SC for Railways.

CDRAM:

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

contd...

O.A.No.1491/93.

Date: 27.6.1995.

O R D E R

X as per Hon'ble Sri R.Rangarajan, Member(Administrative) X

There are 21 applicants in this OA who were working as Guards 'C' in the scale of Rs.330-530/- at the time of filing this OA. They were appointed on different dates in the years 1971, 1974, 1977, 1978, 1980, 1982 and 1983 as per Annexure-I. While they were working as Assistant Head Trains Clerks (Senior Trains Clerks) in the grade of Rs.330-560/- they were promoted as Goods Guards/Guards 'C'. While fixing their pay in the grade of Goods Guards/Guards 'C' in the scale of Rs.330-530/- their pay was fixed at the minimum of the scale of Rs.330-530. While fixing their pay as Guards 'C', the pay drawn by them as Senior Trains Clerks was not protected. The scales of Rs.330-530 and Rs.330-560 were merged and made as one scale namely Rs.1200-2040/- as a result of IV Pay Commission recommendations. It is the case of the applicants that their pay in the merged scale was also not correctly fixed as their pay in the scale of Rs.330-530 was not protected when they were promoted as Goods Guards/Guards 'C'. Further, it is the case of the applicants that the protection of pay when they were promoted as Guards 'C' was granted to similarly placed Guards 'C' in other Divisions viz. Guntakal, Hubli and Vijayawada and later in the Metre Gauge Division, Hyderabad. They made representations dt. 5.9.1992, 9.11.1992 and 20.12.1992 (Annexures-4, 5 & 6), and as the administration has not considered their representations for protecting their pay when they were promoted as Guards 'C' and fixing their pay at the suitable stage when the scales were merged in pursuance of IV Pay Commission recommendations, they have filed this OA for a direction to the respondents to properly fix the pay

...3/-

(10)

of the applicants in the post of Goods Guards 'C' from the dates of their promotion to the said post on par with their counterparts in the Guntakal and other divisions of the S.C.Railway with all consequential benefits including arrears of pay.

2. A counter has been filed in this case. Para-10 of the counter is relevant which is reproduced below:-

"In the applicants' case, though they were drawing a pay more than Rs.330/- in the scale of Rs.330-560 (RS) as Assistant Head Trains Clerk, their pay on their appointment as Goods Guard but fixed at Rs.330/- i.e. the minimum of the scale, which is not in order. The protection of pay and consequent fixation of pay in the IV Pay Commission scale of pay (in which both the scales ~~Rs.330-530~~ and Rs.330-560 have been merged into a single scale of Rs.1200-2040(RSRP) has not been done in terms of instructions contained in the Railway Board's clarificatory letter."

It is also stated in para-19 that reasonable time may be granted to the respondents for re-fixing their pay duly protecting the emoluments they were drawing as Assistant Head Trains Clerks in the scale of Rs.330-560 (RS) on their appointment to the scale of Rs.330-560 as Goods Guards.

3. From the above reply given in the counter affidavit it is clear that the respondents have conceded the request of the applicants in protecting their pay in the pay scale of Rs.330-530 when they were promoted as Goods Guard/Guard 'C' and also fixing their pay at suitable stage when the scale of Rs.330-560 and Rs.330-530 were merged in pursuance of the recommendations of IV Pay Commission.

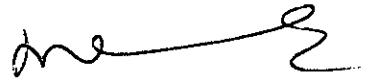
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4. In view of the above, it is not necessary to further examine this OA except to dispose of this OA giving a direction to the respondents to re-fix the pay and grant the consequential benefits to all those who are in service and also to those who had retired from service.

5. In the result, the respondents are directed to re-fix the pay of the applicants as admitted by them in their counter and grant all the consequential benefits to all the applicants within a period of six months from the date of receipt of a copy of this order.

6. OA is ordered accordingly. No costs.



(R.Rangarajan)
Member(Admn.)

Dated: 27th day of June, 1995.
Dictated in open court.

Grh.

Anand 5.7.95
DEPUTY REGISTRAR(J)

To

1. The General Manager, South Central Railway, Railnilayam, Secunderabad.
2. The Divisional Railway Manager, (Broad Gauge) South Central Railway, Opp. Railnilayam, Secunderabad.
3. One copy to Mr. G. Ramachandra Rao, Advocate, CAT, Hyderabad.
4. One copy to Mr. G. S. Sanghi, SC for Railways, CAT, Hyderabad.
5. One copy to Library, CAT, Hyderabad.
6. One spare copy.

YLKR

TYPED BY
CHECKED BY

COMPARED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

~~THE HON'BLE SHRI A.V. HARIJASAN: MEMBER (J)~~

AND

R. Rangarajan

THE HON'BLE SHRI ~~A.B. GURTHI~~ MEMBER (A)

DATED 27.6.95

ORDER/JUDGMENT

M.A.NO/R.P.NO./C.P.NO.

in

O.A.NO. 1491/93

Admitted and Interim directions issued.

Allowed.

Disposed of with directions

Dismissed.

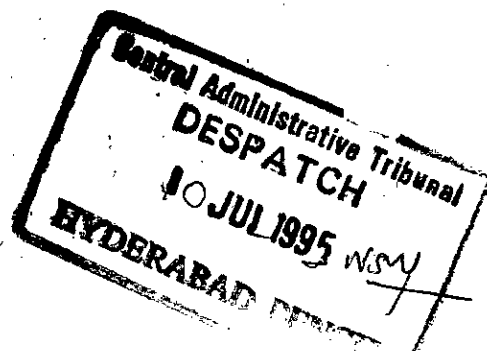
Dismissed as withdrawn

Dismissed for default

Rejected/Ordered. *Accordingly*

No order as to costs.

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