

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 1624/93

Date of Order: 6.1.98<sup>97</sup>

BETWEEN:

G.Radhakrishnaiah

.. Applicant.

AND

1. The Union of India, rep. by  
the General Manager, S.C.Rly.,  
Secunderabad.

2. The Divisional Personnel Officer,  
S.C.Rly., Guntakal,  
Anantapur District.

3. General Manager, Southern  
Railway, Madras.

.. Respondents.

Counsel for the Applicant

.. Mr.K.Sudhakar Reddy

Counsel for the Respondents

.. Mr.D.F.Paul

CORAM:

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HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (ADMN.)

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)  
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J U D G E M E N T

X Oral order as per Hon'ble Shri B.S.Jai Parameswar M/T.Y. -----  
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Heard Mr. K. Sudhakar Reddy, learned standing counsel for the applicant and Mr.D.F.Paul, learned standing counsel for the respondents.

2. The applicant was initially appointed as Craft Teacher in the scale of pay of Rs.330-560 (old scale Rs.135-320). In the notification it was mentioned and notified that an offer of appointment was made to the applicant in the scale of Rs.165-350, on 20.8.74 such an offer was made even before joining the services. He is a B.A., B.Ed., and higher in Craft. He joined the services of the Southern Railway on

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4.10.74. The applicant continued as Craft Teacher from 4.10.74 to 6.3.83 and on 7.6.83, he was appointed as Telugu Pandit in the scale of pay of Rs.440-750. As per the Railway Board's letter dt. 31.5.68 (A-1) a trained graduate handling Classes VI to X is entitled to the scale of pay of Rs.170-380 i.e. in the revised scale of pay of Rs.440-750. He satisfied all the conditions mentioned in the said letter that he submitted his representation that the matter was referred to Railway Board that after the merger of the Guntakal division in the S.C.Railway the Divisional Personnel Officer, Guntakal submitted a proposal to the Divisional Accounts Officer, Guntakal for up-gradation of the post of Craft Teacher from Rs. 330-560 to 440-750 by arranging matching surrender along with justification by letter dt. 10.5.78. The proposal was returned by the Divisional Accounts Officer, Guntakal and subsequently the matter was referred to the Chief Personnel Officer, S.C.Railway. The applicant was represented the matter to SCRRS, Secunderabad for further action. The General Manager, S.C.Railway agreed for up-gradation of Craft/Drill/Drawing Teachers who are graduates to the scale of

11.1.80. The said communication was sent to all the Divisions. The matter was referred to Railway Board pending receipt of the order from the Railway Board that subsequently the applicant made several reminders to the Railway Authorities and that no relief has been given to them. On 3.12.82 B-1 intimated to the Member of the Parliament that the applicant is not entitled to the scale of pay of Rs.440-750 from the date he joined as Craft Teacher.

.. approved by the above he has taken care of paying for a direction to the respondents to refix the pay of scale of Rs.440-750 w.e.f. 4.10.74 the date of his joining and for a consequential direction to pay all the arrears of pay and other service benefits.

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4. The respondents have filed counter to the effect that the applicant is wrongly interpreting the orders of the Railway Board dt. 31.5.68 that the application is barred by limitation that his grievance was finally disposed of by the Administration on 31.10.83. After a lapse of 10 years, that the applicant approached this Tribunal that the applicant had submitted necessary application for appointment as Craft Teacher in the scale of pay of Rs.135-320 in response to the <sup>Employment</sup> notice No. 3/73-74 purely based on the technical qualification acquired by him in weaving and drawing. The scale of pay mentioned in Employment notice was Rs.135-320 then the existing scales of pay of all the Central Government employees including railways were revised thrice from 1.7.59, 1.1.73 and 1.1.86 respectively that accordingly when the applicant was actually appointed as a Craft Teacher in the scale of pay of Rs.135-320 (AS) mentioned in the Employment ~~Exchange~~ Notice was modified to Rs. 165-350 (AS) <sup>as</sup> per the recommendations of the second pay commission. Subsequently, he was selected and promoted as Telugu Pandit in the scale of pay of Rs. 440-750 (RS) effective from 7.3.83. The Railway Board in their letter dt. 31.5.68 and 4.11.72 had advised that all the trained graduate teachers other than the special teachers should be in the authorised scale of Rs.170-380 which was later revised to Rs.170-380 which was later revised to Rs.440-750 that as per the Railway Board's letter dt. 6.11.79 (Annexure R-1) revising the scale of pay of Craft Teacher from Rs.330-560 to Rs.420-640 w.e.f.

graduate teachers that the said scale of pay was not applicable to the special teachers. The contention of the applicant that he should follow in the scale of pay of Rs.440-750 cannot be accepted. The subject of granting the scale of pay of Rs.170-380 (AS) 440-750 (RS) in favour of trained graduate teachers was moved before the A.P. High Court and also in the Parliament

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However that the above scale of pay was implemented as a Trained Graduate Teacher and Telugu Pandit based on his academic qualification acquired at the time of his initial appointment. The promotion as Telugu Pandit was purely based on his application in response to the notification of the railway administration that he was earlier recruited as a teacher other than a trained graduate teacher and hence the extension of scale of pay of Rs.440-750 was in reference to the Railway Board's letter dated 1.2.83 and 12.5.83.

5. When the matter was heard we found that the application was clearly barred by time. The applicant had approached this Tribunal after a lapse of nearly 10 years. However the required ~~modification for a Graduate Teacher~~ <sup>known</sup>. As the applicant submits that he was trained graduate ~~known~~ <sup>known</sup> in this connection and leave it to the Member Staff Railway Board to decide this issue <sup>force</sup> in accordance with the rules. Time for compliance is 4 months from the date of receipt of a copy of this order.

6. The OA is ordered accordingly. No costs.

  
( B.S. JAI PARAMESHWAR )  
Member (Judl.)

  
( R. RANGARAJAN )  
Member (Admin.)

Dated: 6th January, 1997

(Dictated in Open Court)

  
D.R.(J)

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OA 1624/93

Copy to:

1. The General Manager, South Central Railway,  
Secunderabad.
2. The Divisional Personnel Officer,  
South Central Railway, Guntakal,  
Ananthapur District.
3. General Manager, Southern Railway,  
Madras.
4. One copy to Mr. K. Sudhakar Reddy, Advocate, CAT, Hyderabad.
5. One copy to Mr. D. F. Paul, CGSC, CAT, Hyderabad.  
-----, CAT, Hyderabad.
7. One copy for duplicate.

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24/1/97

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: HYDERABAD

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

AND

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

DATED: 6-1-97

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

in

O.A. NO. 1624/93

~~ORDERED AND INTERIM DIRECTIONS ISSUED~~  
~~ALLOWED~~  
~~DISPOSED OF WITH DIRECTIONS~~  
~~DISMISSED~~  
~~DISMISSED AS WITHDRAWN~~  
~~DISMISSED FOR DEFAULT~~  
~~ORDERED/REJECTED~~  
~~NO ORDER AS TO COSTS~~

II COURT

YLKR

No Spare Copy

Central Administrative Tribunal
देश/DESPATCH
21 JAN 1997
हैदराबाद न्यायपीठ
HYDERABAD BENCH