

(59)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
... AT HYDERABAD  
---

O.A.851/94

Dt. of Decision : 17-07-95.

D. Pattabhi Chetty

.. Applicant.

Vs

1. Union of India rep. by  
the Chairman,  
Railway Board,  
Rail Bhavan, New Delhi.

2. Financial Advisor and  
Chief Accounts Officer,  
SC Rly, Rail Nilayam,  
Secunderabad.

.. Respondents.

Counsel for the Applicant : Mr. J.Lalitha Prasad

Counsel for the Respondents : Mr. D.Francis Paul, SC for Rlys

CORAM

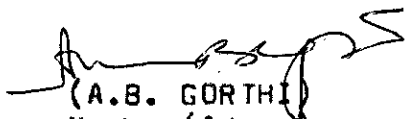
THE HON'BLE SHRI A.B. GORTHY : MEMBER (ADMN.)

---

ORDER

I As per Hon'ble Shri A.B. Gorthi, Member (Admn.) I

This case has come up on a letter from the  
counsel for the applicant in O.A.No.851/94<sup>who</sup> has drawn  
my attention to a typographical error that crept into  
para-4 of the judgement in the said O.A., wherein, the  
date of retirement of the applicant was shown as  
31-10-1986. It should have been shown as 31-10-1988.  
Accordingly necessary amendment may be carried out in  
the copies of the judgement.

  
(A.B. GORTHY)  
Member (Admn.)

Dated : The 17th July 1995.  
(Dictated in Open Court)

sp r

  
Deputy Registrar (J)

*Typing*  
TYPED BY  
CHECKED BY

COMPARED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

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

AND

THE HON'BLE SHRI A.B. GORTHI: MEMBER (1)

DATED 17.7.95

ORDER/JUDGMENT

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

in

O.A.NO. 851/94

Admitted and Interim directions  
issued.

Allowed.

Disposed of with directions

Dismissed.

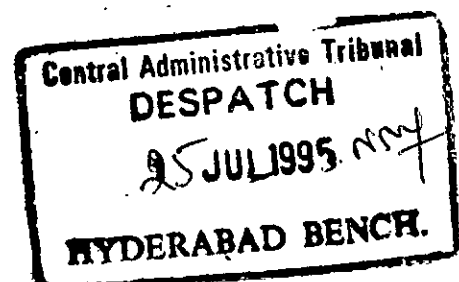
Dismissed as withdrawn

Dismissed for default

Rejected/Ordered.

No order as to costs.

YLKR



(2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH

AT HYDERABAD

RA NO. 60 OF 1995

IN  
OA NO. 851 OF 1994

BETWEEN:

- 1) Union of India,  
Represented by,  
The Chairman, Railway Board,  
Rail Bhavan, New Delhi
- 2) Financial Adviser and Chief  
Accounts Officer, South Central  
Railway, Rail Nilayam,  
Secunderabad.,

- APPLICANTS

AND

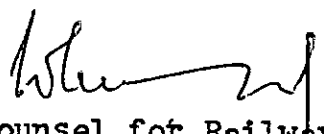
D. PATTABHI CHETTY

- RESPONDENT

For the reasons stated in the accompanying affidavit  
the applicants herein pray that in the Interest of Justice,  
the Honorable Tribunal be pleased to Review the order  
dt. 14.06.1995 passed in O.A.No. 851 of 1994.

Station : Secunderabad,

Dated : 10-8-95

  
Standing Counsel for Railways.

(3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH  
AT HYDERABAD

RA No. 60 OF 1995

IN  
OA NO. 851 OF 1994

BETWEEN:

1. Union of India,  
Represented by  
The Chairman,  
Railway Board,  
Rail Bhavan, New Delhi.

2. Financial Adviser and Chief  
Accounts Officer,  
South Central Railway,  
Rail Nilayam,  
Secunderabad ..

APPLICANTS

AND

D. Pettabhi Chetty ..

RESPONDENT

AFFIDAVIT

I, R.V. Subba Rao, S/o R.V.S. Suryanarayana, aged about 44 years, occupation: Govt. service, resident of Secunderabad, do hereby solemnly affirm and state as follows:

1. I am working as Dy.Chief Accounts Officer(General) in the office of the Second Applicant herein and as such I am well acquainted with the facts of the case. I am filing this affidavit on behalf of both the applicants herein, as I am authorised to do so.

2. The applicants herein are filing this Review Application aggrieved by the order dated 14.06.95 in O.A. No. 851 of 1994 <sup>ll. received by the applicants on 11-7-95 ll.</sup> on the following among other -

Grounds

(a) The Respondent herein who was one of the applicants in OA No. 13/ 88 before the Hon'ble CAT/Principal Bench/ New Delhi claimed for implementation of the Revised scales as per the Ministry of Finance Notification w.e.f. 1.1.86 instead of 1.4.87. The Principal Bench however directed the Respondent Railways to fix the applicants in the revised scales of pay w.e.f. 1.1.86 on notional basis and make

PAGE NO. 1.

Corrections: 2

*Suryanarayana*  
Attester

Senior Accounts Officer (9)

*P. Srinivas*  
Deponent

37 B-1, 1st Floor, (H.L.)  
D-1, C-10, (G)

(4)

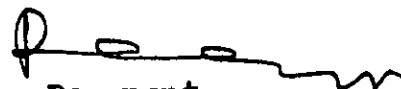
actual payment of the differential amount consequent to refixation of pay in the revised scales w.e.f. 1.4.87 by their Judgement dated 26.4.91. The SLP(C) No. 13492/91 and subsequent Review Petition No. 951/92 filed by the Railway ~~in~~ before the Hon'ble Supreme Court against the said judgement dated 26.4.91 of Principal Bench CAT Delhi were rejected by the Hon'ble Supreme Court. However, in similar other cases of the Accounts cadre of the Civil side in CA No.1783, 84 of 90 the Hon'ble Supreme Court by their judgement dt. 4.2.92 decided the issue in favour of the Government. In view of the contradictory judgements of the two Benches of the Supreme Court on similar issues, the Railway Administration filed an Interim Application in the Hon'ble Supreme Court pleading to recall their orders in the Review Petition No. 951/92 and SLP(C) No. 13492/91. On the said I.A. the Hon'ble Supreme Court have granted interim stay and the I.A. is still pending finalisation.

In the meantime, to avoid contempt, the Railway Administration decided to implement the judgement dated 26.4.91 of CAT/<sup>PB</sup>22/New Delhi, provisionally in respect of the petitions only in OA No. 13/88, subject to the outcome of the IA which the Government was contemplating to file before the Hon'ble Supreme Court then.

(b) Based on the said judgement of the Hon'ble CAT/Principal Bench/New Delhi dated 26.4.91 the respondent herein filed OA No. 851/94 before this Hon'ble Tribunal Claiming for fixation of his pay as per the Revised scales and as per his option from the next date of increment i.e. 1.3.86 and the Hon'ble Tribunal was pleased to allow the O.A in favour of the Respondent by order dt. 14.6.95 on the basis of the material then available on record.

Page No. 2.  
Corrections: 3

  
Attestor

  
Deponent

Senior Accounts Officer (A)

41 E  
11/11/95

(c) The Railway Board, the 1st applicant herein on receipt of the Judgement dt. 14.6.95 of this Hon'ble Tribunal in OA 851/94, advised the South Central Railway the 2nd applicant herein vide their letter No. PC IV/93/CRT/7 dt. 24.7.95 (copy attached) of the facts and subsequent developments in regard to the judgement dt. 26.4.91 of the Hon'ble CAT/Principal Bench/New Delhi and how the said judgement was implemented provisionally to avoid contempt proceedings, subject to the outcome of an Interim Application filed by the Railways before the Hon'ble Supreme Court and further advised the 2nd applicant herein to file a Review Petition before the Hon'ble Tribunal bringing out the facts that the change in the date of effect of functional grade from 1.4.87 to 1.1.86 is provisional only subject to the outcome of IA pending before the Supreme Court.

(d) It is submitted that information regarding the Interim stay granted by the Hon'ble Supreme Court of the CAT/Principal Bench/New Delhi Judgement dt. 26.4.91 and the pendency of the IA before the Supreme Court for Finalisation could not be placed before the Hon'ble Tribunal at the time of hearing of the OA 851/94, as the said information was not available with the applicants then and the same is now made available by the Railway Board vide letter No.PC.IV/93/CRT/7 dt. 24.7.95.

(e) From the above factual position it is evident that the Respondent was allowed fixation of functional grade of Rs. 2000-3200 w.e.f. 1.1.86 on provisional basis only, subject to the outcome of the IA pending before the Hon'ble Supreme Court against the judgement of CAT/Principal Bench/New Delhi dt. 26.4.91 which has also been stayed by the Hon'ble Supreme Court.

Page No. 3.  
Corrections:

*[Signature]*  
Attestor  
Senior Accounts Officer (G)

*[Signature]*  
Deponent

Sd/- (71)  
...4/-

3. For the above said grounds and in the interest of justice, it is prayed that this Hon'ble Tribunal may be pleased to Review the order passed in OA 851/94 on 14.6.95 and reject the OA as not maintainable at this stage or alternatively stay the operation of the order dated 14.6.95 till the final outcome of the pending Interim Application before the Hon'ble Supreme Court.

DEPONENT

Senior Accounts Officer (S)