

(12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

D.A. No. 934/94.

Dt. of Decision : 18-8-94.

Mr. P. Veera Prakash

.. Applicant.

vs

1. The General Manager,
SC Rly, Secunderabad.
2. The Divisional Railway Manager,
Secunderabad BG Division,
SC Rly, Secunderabad.

.. Respondents.

Counsel for the Applicant : Mr. V. Krishna Rao

Counsel for the Respondents: Mr. Jalli Siddaiah, SC (for Rlys.

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN

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

JUDGMENT

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

Heard Sri V.Krishna Rao, learned Counsel for the applicant and Sri Jalli Siddaiah, learned Standing Counsel for Railways.

2. The applicant herein while working as Gr.II Fitter in the grade of Rs.1200-1800 in the Loco Shed, Kazipet, was made surplus and he was absorbed as Ticket Collector on 31.5.1990 in the grade of Rs.950-1500 fixing his seniority at the bottom of the Ticket Checking cadre.

3. At the time when he was made surplus as highly skilled Fitter grade-II in the Loco Shed, at Kazipet, he was drawing a pay of Rs.1410/- in the grade of Rs.1200-1800. When he was posted as Ticket Collector on 31.5.1990, his pay was fixed at Rs.1375/-. The applicant submits that as his pay has been fixed less than the pay ~~that~~ he was drawing as a highly skilled Grade-II Fitter, the difference of the amount should be shown as personal pay till it is adjusted in the future increments earned.

4. This OA has been filed for a direction to the respondents for protection of the pay of the applicant from the date he was appointed as a Ticket Collector following the Rule 1313(3)III R-II as was directed in the case of the applicant in OA 265/92 and for all other consequential benefits.

To

1. The General Manager, S.C.Rly, Secunderabad.
2. The Divisional Railway Manager, Secunderabad.
3. One copy to Mr.V.Krishna Rao, Advocate, CAT.Hyd.
4. One copy to Mr.J.Siddaiah, SC for Rlys, CAT.Hyd.
5. One copy to the Comptroller.
6. One spare copy.

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5. The pay protection was given to the applicant, who was similarly placed as the applicant, in O.A.No.265/92 which was decided on 18.12.1992. It was held in that OA that the difference in pay should be treated as personal pay to him till it is adjusted in future increments earned. It was held in that OA that the applicant therein was entitled for actual monetary benefits only from one year prior to filing of that OA as there was a delay of 2 years in filing ~~he filed this OA only~~ on 26.7.1994 though he was absorbed as Ticket Collector on 31.5.1990. Following the dictum in O.A.No.265/92, the applicant herein also is entitled for actual monetary benefits with effect from 26.7.1993 (this OA was filed on 26.7.1994).

6. In view of the foregoing discussion as above, we see no reason to differ from the principle laid down in O.A.No.265/92.

7. In the result, we direct the respondents to give notional pay protection to the applicant at Rs.1410/- in the ~~Skilled Grade of~~ of Ticket Collector, treating the difference in the pay drawn as highly Skilled Fitter Grade.II and as Ticket Collector as personal to him till it is adjusted in future increments. The applicant is entitled for actual arrears only from 26.7.1993. We make it clear that the applicant is not entitled to the same pay scale in the Skilled Grade-II Fitter while working as Ticket Collector and he will be governed only by the pay scale of Ticket Collector.

8. The OA is ordered accordingly at the admission stage itself. No costs.

Member (Admin.)

Grh.

10th

V.Neeladri Rao

11/1994
Deputy Registrar

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE V.NEELADRI RAO
VICE-CHAIRMAN

AND

THE HON'BLE MR.R.RANGAKAJAN : M(ADAN)

DATE: 18 - 8 - 1994

ORDER/JUDGMENT

M.A.No./R.A/C.A.No.

in

O.A.No.

934/94

(T.A.No.)

(W.P.NO)

Admitted and Interim directions
Issued.

Allowed.

Disposed of with directions. *et al*

Dismissed *advising*

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

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