

(13)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD  
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O.A. No. 954/94.

Dt. of Decision : 18-8-94.

1. G. Devasahayam
2. B. Kumariah

.. Applicants.

Vs

1. The General Manager,  
SC Rly, Secunderabad.
2. The Divl. Railway Manager,  
Secunderabad Division (BG)  
SC Rly, Secunderabad.

.. Respondents.

Counsel for the Applicants : Mr. V. Krishna Rao

Counsel for the Respondents : Mr. D. Gopala Rao, Addl. CGSC.

CORAM:

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

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

14

O.A.No.954/94

JUDGEMENT

X As per the Hon'ble Sri R. Rangarajan, Member(A) X

Heard Sri V. Krishna Rao, learned counsel for the applicants and Sri D. Gopala Rao, learned counsel for the respondents.

2. The two applicants herein while working as Grade-II Fitter in the grade of Rs.1200-1800 in the loco shed, Kazipet were made surplus and they were absorbed as Ticket Collector on 31-5-90 in the grade of Rs.950-1500 fixing their seniority at the bottom of the ticket checking cadre.

3. At the time when they were made surplus as highly skilled fitter Grade-II in the loco shed, Kazipet, they were drawing a pay of Rs.1410/- and Rs.1320/- respectively in the grade of Rs.1200-1800. When they were posted as Ticket Collector on 31-5-90 their pay was fixed at Rs.1375/- and Rs.1250/- respectively. The applicants submit that as their pay has been fixed less than the pay ~~what~~ they were drawing as 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 O.A. has been filed for a direction to the respondents for a protection of the pay of the applicants from the date they were appointed as ticket collectors following the rule 1313(3) III R-II as was directed in the case of the applicant in O.A.No.265/92 and for all other consequential benefits.



To

1. The General Manager, S.C.Rly,  
Secunderabad.
2. The Divisional Railway Manager  
Secunderabad Division (EG) S.C.Rly,  
Secunderabad.
3. One copy to Mr.V.Krishna Rao, Advocate, CAT.Hyd.
4. One copy to Mr.D.Gopala Rao, ~~Asst~~ SC for Rlys. CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

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5. The pay protection was given to the applicant who was similarly placed as the applicants herein, in O.A. 265/92 which was decided on 18-12-92. It was held in that O.A. 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 O.A. that the applicant therein was entitled for actual monetary benefit only from one year prior to filing of that O.A. as there was a delay of two years in filing that O.A. Here also the applicants have filed this O.A. only on 26-7-94, though they were absorbed as Ticket Collectors on 31-5-90. Following the dictum in O.A. 265/92, the applicants herein also are entitled for actual monetary benefit w.e.f. 26-7-93. (This O.A. was filed on 26-7-94).

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.

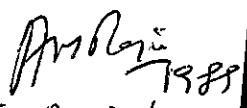
7. In the result, we direct the respondents to give, notional pay protection to the applicants at Rs. 1410/- and Rs. 1320/- respectively in the present grade of ticket collector treating the difference in the pay drawn as highly skilled fitters Grade-II and as Ticket Collectors as personal to them till it is adjusted in future increments. The applicants are entitled for actual arrears only from 26-7-93. We make it clear that the applicants are not entitled to the same pay scales in the skilled fitter grade-II while working as Ticket Collectors and they will be governed only by the pay scale of Ticket Collectors.

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

  
(R. Rangarajan)  
Member(A)

  
( V. Neeladri Rao )  
Vice Chairman

Dt. August 18<sup>th</sup>, 1994

  
Deputy Registrar

TYPED BY                      CHECKED BY  
COMPALED 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. RANGARAJAN : M (A.D.N)

DATE: 18-8-1994

~~ORDER~~/JUDGMENT

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

in  
O.A.No. 954/94  
(T.A.No.                      (W.P.NO                      )

Admitted and Interim directions  
Issued.

Allowed.

Disposed of with directions. *at admission stage*  
~~Dismissed~~

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected

No order as to costs.

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