

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

D.A. 1310/94.

Dt. of Decision : 03-08-95.

1. S. Khader Basha
2. V. Jayarama Raju
3. M.V.Rangaiah
4. M.K.Srinivasa Charyulu
5. I.Rama Krishnaiah
6. C.Narayana Swamy Naidu

.. Applicants.

Vs

1. Govt. of India, Rep. by Its Secretary, Ministry of Railways, Rail Bhavan, New Delhi.
2. The General Manager, SC Rly, Secunderabad.
3. The Divl. Railway Manager, Guntakal, Anantapur (Dist.)

.. Respondents.

Counsel for the Applicants : Mr. M.Venkateswara Rao

Counsel for the Respondents : Mr. V. Bhimanna, Addl.CGSC.

CORAM:

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

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AS PER SHRI R. RANGARAJAN, MEMBER (ADMN.)

JUDGEMENT

Heard Shri V. Bhimanna, learned standing counsel. There are 6 applicants in this OA. They filed this OA praying for a direction to the Respondents to order re-fixation of their pay granting them the benefit of special pay from the date ~~the~~ ^{of} re-structuring of posts.

2. All the applicants were promoted from the post of Senior Clerk to Head Clerk and subsequently as Office Superintendent Gr. II in 1993. From the OA it transpires that the applicants were promoted as Head Clerks even before they were given the special pay of Rs.35/- while working as Sr. Clerks as there were number of Head Clerk posts created due to re-structuring of the cadre. In view of the above, their juniors in the cadre of Sr. Clerks got the benefit of special pay and when those juniors were promoted as Head Clerks their fixation has been done taking into account special pay also. In view of the fixation of pay of the juniors to the applicants herein as above, the applicants who were promoted as Head Clerks without getting the special pay while working as Sr. Clerks happened to draw less pay than their juniors when they were promoted as Head Clerks. Hence the relief sought for has ~~to be~~ ^{to be}

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a relief requesting for stepping up of the pay of the applicants herein with respect to their juniors in the cadre of Head Clerk.

The applicants have not named any of their juniors ~~and~~ in this OA who ~~were~~ ~~getting~~ more pay than them in the category of Head Clerk for stepping up of their pay.

3. OA 192/90 was decided by an order of this Bench on 4-3-93. The applicants in this OA as stated in the earlier paragraph also claimed stepping up of their pay with respect to their juniors on similar grounds. OA 192/90 was allowed by this Bench. Similar OAs 195/90 etc. filed for the same relief were also disposed of on the lines of OA 192/90. The Supreme Court has also dismissed SLP No. 12651-54/93 filed by the Respondents in OAs 195/90 etc. by its order dated 18-11-93. In view of the above, the decision of this Bench in OA 192/90 has become final. While admitting the OA, the point of limitation was left open for contest by the Respondents. The reply does not state anything regarding the limitation. Hence it has to be taken that the Respondents have nothing to say in regard to limitation. In view of this, the order that is given in OA 192/90 has to be followed fully in regard to arrears also.

4. As the applicants in this OA are also seeking similar relief, as the applicants in OA 192/90, this OA is disposed of with the following direction.

"Stepping up of salary of the applicants as Head Clerk has to be made from the dates



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on which the pay of their juniors, (if there is any such junior in the cadre of Head Clerk,) is higher than their pay. The arrears of such fixation have to be paid within three months from the date of this order".

5. The OA is ordered accordingly. No costs.

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(R. RANGARAJAN)
Member (Admn.)

Dated the 3-8-95
Open Court dictation

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Andrea ^{16/8/95}
Deputy Registrar (JTC)

To

1. The Secretary, Ministry of Railways,
Govt. of India, Railbhavan,
New Delhi.
2. The General Manager,
S.C.Rly, Secunderabad.
3. The Divisional Railway Manager,
Guntakal, Anantapur (Dist.)
4. One copy to Mr. M. Venkateswar Rao, Advocate, CAT.Hyd.
5. One copy to Mr. V. Bhimanna, SC for Rlys, CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

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

A N D

THE HON'BLE MR. R. RANGARAJAN: (M(ADMIN))

DATED 318 1995.

ORDER/JUDGMENT:

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

in

OA. No.

TA. No.

1310/94

(W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

No Spare Copy

Central Administrative Tribunal
DESPATCH

25 AUG 1995 *NR*

HYDERABAD BENCH