

(37)

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

C.A.NO. 1400/94.

DATE OF JUDGMENT: 12-10-95.

BETWEEN:

P.Iyaleiah

.. Applicant.

AND

1. Union of India rep. by
General Manager, SC Rly,
Secunderabad.
2. The Divl. Railway Manager,
SC Rly, Sec'bad BG Division,
Secunderabad.

.. Respondents.

COUNSEL FOR THE APPLICANT: SHRI P.Rama Swamy

COUNSEL FOR THE RESPONDENTS: SHRI D.Gopal Rao,
xx/Addl.CGSC.

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

ORDER

As per Hon'ble Shri R. Rangarajan, Member(Admn)

The applicant joined as a Khalasi in the Dornakal Loco Foreman's office, SC Railway (B.G.) on 1.11.1957 and he was further promoted as Machinist. Thereafter, he was transferred to Loco Foreman's office at Kazipet and in that organisation, he was promoted to Gr.II Machinist in the grade of Rs.1200-1800.

2. Due to reduction of the ~~ex~~ steam engine holding, the cadre strength of Machinist has come down and subsequently, it was abolished. Those who were rendered surplus on account of abolition of the steam loco sheds, were offered alternate jobs including the applicant herein. The applicant was called for Ticket Collectors Post in the grade of Rs.950-1500. It is stated by the applicant that promises were made by the respondents for pay protection as per rule, incase, the applicant chose any alternate post, including his seniority. The applicant had accepted the post of Ticket Collector as an alternate post and under-went training in the Zonal Training School, Moulali, Hyderabad. He was posted as a Ticket Collector in terms of office order No.14/DRM/Comm1./1991 dated 29.1.1991. At present, the applicant is working as TTE at Kazipet.

3. It is stated for the applicant that, at the time of his relief from the workshop while working as Machinist in the grade of Rs.1200-1800, his basic pay was Rs.1410/- when as on 1.7.1990. But, he was absorbed as a Ticket Collector, his pay was fixed at Rs.1375/- without protecting his pay which he was drawing at the time of relieving from the post of Machinist. The applicant made representations dated 1.4.1991 and 4.9.1993 to R2, but his request was rejected.

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Hence, he has filed this OA praying for a direction to the respondents to protect his pay at Rs.1410/- with effect from 29.1.1991, with all consequential and attendant benefits including arrears of difference of pay and seniority.

4. Reply has been filed by the respondents opposing this OA.

5. Heard Shri P. Rama Swamy, learned counsel for the applicant and Shri D. Gopala Rao, learned Standing Counsel for the respondents.

6. Pay protection was given to an applicant who was similarly placed as the applicant herein in OA 954/94. It was held in that OA that the difference in pay should

in future increments earned by him. It was held in that OA that the applicant therein was entitled for actual monetary benefit only from one year prior to the filing of that OA, as there was a delay of two years in filing that OA. Here also, the applicant has filed this OA only on 25.8.1994, though he was absorbed as Ticket Collector on 20.1.1991. Following the decision in OA 954/94 the applicant herein is also entitled for actual monetary benefit w.e.f. 25.8.1993 (this OA was filed on 25.8.1994).

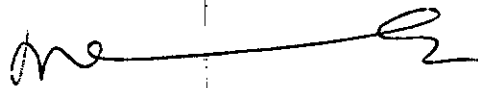
7. In view of the fore-going discussions as above, in OA 954/94.

8. In the result, I direct the respondents to give in the present grade of Ticket Collector treating the difference in the pay drawn as Highly Skilled Machinist Gr.II and as Ticket Collector, as personal pay to him

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till it is adjusted in future increments. The applicant is entitled for actual arrears only from 25.8.1993. I make it clear that the applicant is not entitled to the same pay scale in the Skilled Machinist Gr.II while working as Ticket Collector and he will be governed only by the pay scale of Ticket Collector.

9. OA is ordered accordingly. No costs.


(R. RANGARAJAN)
Member (Admn)

Dated: The 12th October, 1995

Dictated in the Open Court


Deputy Registrar (J) CC

To mvl

1. The General Manager, SC Rly, Union of India, Secunderabad.
2. The Divisional Railway Manager, S.C. Rly, Secunderabad BG Division, Secunderabad.
3. One copy to Mr. P. Rama Swamy, Advocate, 48, Malkajgiri, Hyd.
4. One copy to Mr. D. Gepal Rao, SC for Rlys, CAT. Hyd.
5. One copy to Library, CAT. Hyd.
6. One spare conv.

pvm

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COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRIRAO
VICE CHAIRMAN

AND

THE HON'BLE MR. R. RANGARAJAN J.M(A)

DATED: 12-10-1995

ORDER/JUDGMENT

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

O.A.No. 1400/94.

T.A.No. (W.P.No.)

Admitted and Interim directions
Issued.

Allowed.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

