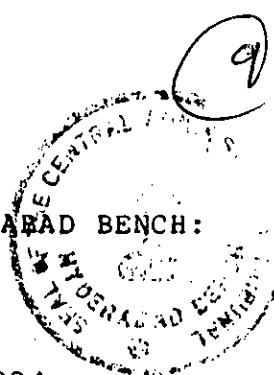


IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD



ORIGINAL APPLICATION NO.1415 of 1994

DATE OF ORDER: 16th July, 1996

BETWEEN:

M.S.RAMASWAMY IYER

.. Applicant

and

1. Union of India represented by
the General Manager,
South Central Railway,
Secunderabad 500371,
2. The Chief Personnel Officer,
S.C.Railway,
500 371

.. Respondents

COUNSEL FOR THE APPLICANT : Shri P.N.A.CHRISTIAN

COUNSEL FOR THE RESPONDENTS: SHRI J.R.GOPAL RAO

CORAM:

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

JUDGEMENT

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

Heard Shri P.N.A.Christian, learned counsel for the applicant and Shri V.Rajeswara Rao representing Shri J.R.Gopala Rao, learned standing counsel for respondents.

2. The applicant in this OA was promoted to the grade of Rs.550-900 from the grade of Rs.425-700 skipping the intermediary grade of Rs.550-750 with effect from 1.1.79. His pay was initially fixed in accordance with the Establishment Serial Circular No.196/67 dated 10.8.67 (Annexure-I). But his pay was reduced in view of the

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he was promoted to the grade of Rs.550-900 as Stenographer Grade I and he should be granted notional increments thereafter. His pay in the grade of Rs.2000-3200 has to be fixed notionally on the basis of the above pay fixation. The applicant is entitled only for pensionary arrears to be calculated on the basis of the notional fixation of his pay in the grade of Rs.2000-3200 at the time of his retirement. He is not entitled for any other pensionary benefits such as DCRG, commutation, leave encashment etc. on the basis of his notional pay fixation in the grade of Rs.2000-3200 as directed above except the pensionary arrears. The pensionary arrears have to be calculated and paid from 10.10.1993 i.e, one year prior to filing of this OA

5. The OA is ordered accordingly. No costs.

राष्ट्रीय प्राप्ति
CERTIFIED TO BE TRUE COPY

COUNT OFFICER
केंद्रीय प्राप्तिकाल विभाग
Central Administrative Tribunal
हैदराबाद वायरिंग

(13)

the lower scale skipping the intermediary scale in between higher scale and the lower scale. As per that circular even though he skips middle scale and jumps to the higher scale, his pay should be fixed as per F.R. 22-C in the middle scale and with respect to that his pay in the higher scale has to be fixed. In pursuance of that Establishment Serial Circular No.196/67 the applicant when he was promoted from the grade of Rs.425-700 to Rs.550-900, his pay was fixed vide Memo No.P/EST/608/CA dated 6/7th May 1981 (Annexure-II). The above fixation was confirmed by Memo No.P/EST/535/Steno dated 11.3.1982 (Annexure-III). However, the Railway Board vide letter No. C 111/78/DC-2/5 at T 2000 30 8 84 withdrawn the Establishment Serial Circular No.196/67 dated 10.8.67 and directed all the Indian Railways and others that whenever an employee is promoted from the lower scale to the higher scale skipping intermediary following FR 22-C and to the higher scale thereafter following FR 22(a)(ii) (Rule 2017 R-II). Accordingly the pay of the applicant was reduced in accordance with the letter dated 30.8.84 from February 1987. Some of the applicants filed an appeal in the

Madras Bench of this Tribunal praying for quashing of the instructions issued vide letter dated 30.8.84. The Madras Bench had set-aside the instructions issued vide letter dated 30.8.84 and directed the Railways to follow the earlier Establishment Serial Circular No.196/67 dated 10.8.67.. Accordingly a fresh Circular

(20)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

M.A.NO.255/97 in C.P.26/97 in O.A.1415/94

Between:

Dt. of Order: 21.3.97/

Sri M.S.Rama Swamy Iyer

Applicant.

And

1. K.M.Rao, General Manager, South Central Railway,
IIIrd Floor, Railnilayam, Secunderabad.

2. M.Z.Ansari, Chief Personnel Officer, South Central Railway,
IVth Floor, Railnilayam, Secunderabad.

Respondents.

Counsel for the Applicant : Mr.P.N.A.Christian

Counsel for the Respondents : Mr.J.R.Gopal Rao

CORAM:

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

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (J)

THE TRIBUNAL MADE THE FOLLOWING ORDER:

Mr.P.N.A.Christian for applicant. Mr.J.R.Gopal Rao for respondents.

This M.A. is filed for implementing the judgement in the that the order in that OA be implemented within 30 days from today. In view of that, we follow that order and direct the respondents to implement the order in O.A.1415/94 dt.16.7.96 within 30 days from today.

A copy of this order should be handed over to the learned Addl. standing today to be transmitted to the respondents.

Thus the M.A. and C.P are closed.

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24397
DEPUTY REGISTRAR(J)

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Copy to:

1. K.M.Rao, General Manager, South Central Railway,
IIIrd Floor, Railnilayam, Secunderabad.
2. M.Z.Ansari, Chief Personnel Officer, South Central Railway,
IVth Floor, Railnilayam, Secunderabad.
3. One copy to Mr.P.N.A.Christian, Advocate,CAT,Hyderabad.
4. One copy to Mr.J.R.Gopal Rao, Addl.CGSC,CAT,Hyderabad.
5. One copy to D.R(A), CAT,Hyderabad.
6. One duplicate copy.

YLKR

SPR
28/4/97

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13. 14. 15. 16. 17. 18. 19.

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

A.N.B

THE HON'BLE SHRI B.S.JAI PARAMESHWAR:
M(J)

DATED: 21/3/97

ORDER/JUDGEMENT

in CP 26/97
O.A. NO. 1415/94

ADMITTED AND INTRODUCED DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

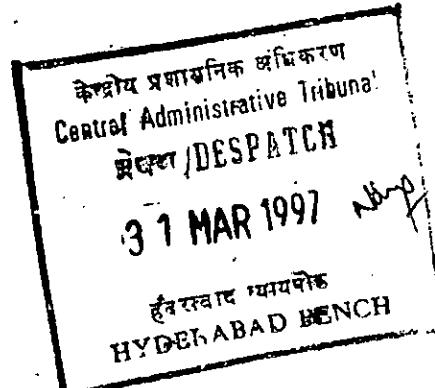
DISMISSED M.A. & C.P. closed.

DISMISSED AS MENTIONED

ORDERED/REJECTED

NO ORDER AS TO COSTS.

YLR



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