

(164)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

O.A.NO. 56 of 1994.

Between

Dated: 6.3.1996.

V.Muni Raja Reddy

...

Applicant

And

1. The Divisional Railway Manager, South Central Railway, Guntakal, Ananthapur District.
2. The Senior Divisional Personnel Officer, South Central Railway, Guntakal, Ananthapur District.

...

Respondents

Counsel for the Applicant

: Sri. P.V.S.S.S.Rama Rao

Counsel for the Respondents

: Sri. C.V.Malla Reddy, SC for Railways.

CORAM:

Hon'ble Mr. R.Rangarajan, Administrative Member

(Ucb)

O.A.No.56/94.

Date: 6-3-1996.


ORDER

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

The applicant in this OA was promoted as ASM in the scale of Rs.330-560 from 22-3-1970. He was further promoted to the grade of Rs.425-640 by order No.G/P.676/1/6 dt. 10.6.1979.(Annexure-2) with effect from 1-1-1979. But, it is stated by the applicant that his pay in the scale of Rs.425-640 was fixed only with effect from 1-9-1980. The contention of the applicant is that he was given higher pay only from 1.9.1980 and hence his pay fixation had to be done on the basis of the pay drawn by him in the lower grade on that date. Further the applicant was promoted to the grade of Rs.455-700 with effect from 1-8-1983. Even in this grade his junior was drawing more pay submits the applicant.

2. Hence, he represented his case to the higher authorities. But, the respondents had replied that his pay fixed at Rs.455/- in the scale of Rs.425-640 at the time of his promotion was found to be incorrect and hence his pay was correctly brought down later to the stage of Rs.440/- in the grade of Rs.425-640.

3. This OA is filed praying for a declaration that the action of the respondents in not paying the pay of Rs.545/- which is revised from time to time like that of his juniors viz. Sri J.Anjaneyulu and Sri R.Balanarayana as illegal, arbitrary and against the provisions of Articles 14 and 16 of the Constitution of India and for a consequential directions to the respondents to revise



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his pay like that of his juniors viz. Shri J. Anjaneyulu and Sri R. Balanarayana from the date on which they were drawing the said pay and also for paying the arrears to him.

4. The applicant when promoted as ASM in the grade of Rs.425-640 has been fixed at the stage of Rs.440/- by the revised fixation chart following the rule FR-22 C. As he was drawing a pay of Rs.416/- as on 1.1.1979 in the grade of Rs.330-560 one increment of Rs.12/- was added to that pay ~~.....~~ pay was arrived at Rs.428/-. As there is no stage of Rs.428/- in the scale of Rs.425-640/- his pay was fixed at Rs.440/-. It is stated for the respondents that the pay was erroneously fixed earlier as Rs.455/- in the scale of Rs.425-640 which was revised to Rs.440/- as per FR 22-C. Even after revision no show-cause notice has been issued to recover excess payment, if any due to revision. Hence, it is not necessary to deal further in this connection. If any excess recovery is sought to be made, the applicant may represent his case to the concerned by submitting a representation.

5. The next contention of the applicant is that he should be fixed at Rs.545/- like that of his juniors. It is not clear in which grade his pay should be fixed at Rs.545/-. Whether it is in the grade of Rs.425-640 or in the grade of Rs.455-700 if such a stage exists in those pay scales. Hence, no definite direction can be given in this connection.

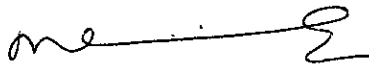
...4/-



6. However, the learned counsel for the applicant submits that his juniors viz. S/Shri Anjaneyulu and R.B. lanarayana are drawing more pay than him. It is not possible to find out from the averments made in this OA whether his juniors are really drawing more pay than him and if so in what grade and for what reasons.

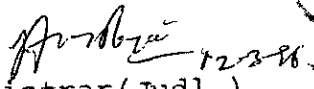
in para-9 of the reply statement, submit that his juniors who ~~are~~^{were} drawing more pay than the applicant have been brought down. In view of this assertion by the learned counsel for the respondents, it is suggested that the applicant may submit a suitable representation to the concerned for redressal of his grievance if there is a case for him to ~~get~~ his pay on par with his juniors.

7. In view of what is stated above, this OA is disposed of ^{with words} with liberty to make a representation as mentioned in para-6 supra. No costs.


(R. Rangarajan)
Member (Admn.)

Dated 6th March, 1996.
Dictated in open court.

Spr/Grh.


Dy. Registrar (Judl.)

Copy to:-

1. The Divisional Railway Manager, South Central Railway, Guntakal, Ananthapur District.
2. The Senior Divisional Personnel Officer, South Central Railway, Guntakal, Ananthapur District.
3. One copy to Sri. P.V.S.S.S. Rama Rao, advocate, CAT, Hyd.
4. One copy to Sri. C.V. Malla Reddy, SC for Rlys, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rsm/-

29/3/96 A.56/94

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD.

HON'BLE SHRI A.S.GORTHI: MEMBER

~~HON'BLE SHRI~~

DATED: 6/3/96

ORDER/JUDGMENT

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

IN

O.A.NO.

56/94.

~~ADMITTED AND INTERIM DIRECT~~
~~ALLOWED~~

~~DISPOSED OF WITH DIRECT~~

~~DISMISSED~~

~~DISMISSED AS WITHDRAWN~~

~~ORDERED/REJECTED~~

~~NO ORDER AS TO COSTS~~

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No Spare

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Central Administra
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HYDERABAD