

(18)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
AT HYDERABAD.

O.A.NO. 600/94

Between :

P. Jagdish
and 8 others.

... Applicants.

And

Chief Workshop Manager,
South Central Railway,
Lallaguda
Secunderabad
and 3 others.

... Respondents.

Counter AFFIDAVIT.

I, U. VIJAYA KUMAR S/O. Late NAGESWAR RAO aged about 39 years, Occupation : Government service, South Central Railway, r/o. Secunderabad, do hereby solemnly and sincerely affirm and state as follows:

- 1). I am working as WORKSHOP PERSONNEL OFFICER in the respondent Railways, as such I am well acquainted with the facts of the case, and I am authorised to file this Affidavit on behalf of others.
- 2). I submit that I have gone through the application filed by the Applicants herein and I hereby deny all the averments made herein except those which are specifically admitted hereunder.
- 3). It is submitted that the Applicants herein filed the above O.A. seeking a direction from this Honourable Court to step up their pay on par with the juniors, with effect from 1.10.1986 and consequent direction for payment of arrears

Ist page.

No. of correcns:

ATTESTOR.

శారదాలు ప్రభు

WORKS MANAGER

DEPONENT.

శారదాలు కామిక అధికారి / లాలాగుడు

Workshop Personnel Officer, LGD

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✓ and allowances, on the ground of anomaly in pay scales and further the applicants relied on the judgement given by this Honourable court in view

4). It is submitted that the applicants were initially appointed as clerks and subsequently promoted to the posts of Senior Clerks and Head Clerks and Office Superintendents Gr.II and I and the applicants No.1 and 2 already retired from the service.

5). It is further submitted that the Railway Board vide their Circular dated 11.7.79 introduced Rs.35/- as Special Pay to the 10% of the senior-most of Senior Clerks in the Scale of Rs.330-560 (RS). According to this letter, persons who are senior most in the cadre of Senior Clerks limiting to the 10% and who are working in the more complex duties in nature will get Rs.35/- as Special Pay as long as they are in the cadre of Senior Clerks and this Special pay will not be given for the above category ie., Head Clerks (Annexure-R.1). It is submitted that the Applicants while working as Senior Clerks were not given the benefit of Special pay of Rs.35/- as they did not come within the 10% quota for granting special pay and by the time they became seniors and eligible for special pay, they were promoted to the post of Head Clerks and their juniors, who subsequently became seniors in the cadre of Senior Clerks and got the benefit of special pay and who later promoted as Head Clerks, naturally draw more pay than their seniors namely : Applicants herein.

6). It is further submitted that there was an up-gradation in the category of Head Clerks with effect from 1.1.1984.

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ATTESTOR.

कारखाना प्रबंधक

WORKS MANAGER

DEPONENT.
कारखाना कार्मिक अधिकारी / लालागुडा
Workshop Personnel Officer, LGD

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20

and because of this up-gradation in the posts of Head Clerks, the applicants became eligible to the promotion, thereby they did not get the opportunity of drawing the special pay. It is not justified for the applicants to attribute illegality or malafide or anomaly to the administration, just because they did not become eligible for the drawal of the special pay. The applicants were promoted to the posts of Head Clerks as a result of up-gradation with effect from 1.1.1984, in combined seniority. As on the date of their promotion, the applicants were holding the posts of senior clerks in general and without becoming seniors in the cadre they were directly promoted to the posts of Head Clerks, without coming in the purview of 10% quota for grant of special pay.

7). It is further submitted that the Board's letter dated 31.10.1988 has clarified the position for stepping up of pay in respect of the staff whose juniors were promoted from 1.1.1985 to 31.12.1985 shall not be allowed for stepping up of pay on par with the juniors, who were granted special pay, before they could be promoted as Head Clerks on availing the Special pay.

8). It is further submitted that some of the employees who were aggrieved by the denial of stepping up of pay approached this Honourable court and filed various applications claiming the relief to the extent indicated therein.

9). It is further submitted that the very purpose of granting special pay to the senior most of the senior clerks is that the persons who are attending to the more complex duties in nature and shouldering higher responsibilities were given the benefit of special pay and the persons who could not get the

3rd page.

No. of correcns:

ATTESTOR,
गाराना प्रबन्धक
WORKS MANAGER

DEPONENT,
गाराना कामिक अधिकारी / लालामु

Workshop Personnel Officer / LGD

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21

same for various reasons namely : up-gradation, can not allege that it is in violation of the principles of natural justice. It is a fact that the applicants directly promoted to the post of Head Clerks from the cadre of Senior Clerks due to up-gradation and they never shouldered the higher responsibilities and have not come in the purview of 10% for grant of special pay, as such, the denial of the special pay and thereby not stepping up of their pay on par with the juniors is not in violation of any rules or the principles of natural justice as alleged by the Applicants herein.

10). It is further submitted that in respect of the question of implementation of judgements of various Tribunals for stepping up of pay on par with the juniors is pending for consideration before the Supreme Court and the matter is yet to be decided and this O.A. will ultimately is to be decided, after the judgement of the Supreme Court.

In view of the above facts and circumstances, it is therefore prayed that the application is devoid of merits and therefore liable to be dismissed. It is therefore, prayed that this Honourable Court may/pleased to dismiss the O.A. in the interest of justice.

Sown and signed before
me on this 8th day of
OCTOBER, 1994.

Ever
DEPONENT.

शरखाना कार्मिक अधिकारी / लालागुडा
Workshop Personnel Officer, LGD

ATTESTOR
शरखाना कार्मिक
WORKS MANAGER

