

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

D.A. No. 603/94.

Dt. of Decision : 23.1.95.

1. B.Jesu Padam
2. M.A.Hameed
3. V.Hanumantha Rao
4. K.S.N.Murthy
5. B.Govardhana Chetty
6. G.Subba Rao
7. K.Chalamaiyah
8. B.Dayanandam

.. Applicants.

 Vs

1. Divisional Railway Manager,
SC Rly, Vijayawada.
2. Chief Personnel Officer,
SC Rly, Rail Nilayam,
Secunderabad.
3. Chief Project Manager,
Railway Electrification
SC Rly, Vijayawada.
4. Union of India rep. by
Member Staff Railway Board
Rail Bhavan, New Delhi.

.. Respondents.

Counsel for the Applicants : Mr. G.V.Subba Rao

Counsel for the Respondents : Mr. D.Francis Paul, SC for Rlys.

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN

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

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O.A.No.603/94.

Date: 23.1.1995.

JUDGMENT

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

Heard Sri G.V.Subba Rao, learned Counsel for the applicants and also Sri D.Francis Paul, learned Counsel for the respondents.

2. This OA was filed praying for a direction to the respondents to give the applicants the benefits of the Judgment of this Tribunal in O.A.No.192/90 as the applicants herein are similarly situated as that of the applicants in OA 192/90 by stepping up the pay of the applicants No.1 & 2 on par with Sri N.V.Krishna Rao and in respect of applicants the dates when the respective juniors were drawing more pay than the applicants herein in the category of Head Clerks and for a consequential direction to pay the arrears of salary and allowances etc.

3. The facts which give rise to this OA are as under:-

The applicants herein are presently working as Office Superintendent Gr.II under the administrative control of the Divisional Railway Manager, Vijayawada. 10% of the posts of Senior Clerks were identified as involving complicated nature of work and those who were posted to such identified posts were given special pay of Rs.35/- p.m. prior to 1-1-1986. The senior-most Senior Clerks were being posted to the identified posts. Due to restructuring of cadre with effect from 1-1-1984 there was mass upgradation of posts of Senior Clerks as Head Clerks. The number of vacancies which had arisen in the category of Head Clerks due to the above upgradation

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were far more than the number of Senior Clerks who were getting the special pay of Rs.35/- p.m. Even the case of the applicants who were not working in the identified posts for which special pay of Rs.35/- was being paid they were also considered for promotion as Head Clerk and were promoted as Head Clerks with effect from 1-1-1984, the date of upgradation of posts of Senior Clerks as Head Clerks. But the juniors in the category of Senior Clerks (juniors to those Head Clerks who were promoted from Senior Clerk to Head Clerk without working in identified posts), ~~were being posted~~ as Senior Clerks in the identified posts and accordingly they were paid Rs.35/- per month as Special pay till they were promoted as Head Clerks. On promotion as Head Clerks, the pay fixation in the category of Head Clerks of those juniors were done taking into consideration the special pay of Rs.35/- p.m. So, it transpired that though applicants herein were promoted as Head Clerks, their pay in the category of Head Clerk was found to be less than the pay of their juniors who were promoted as Head Clerks later after having worked in the identified posts of Senior Clerks with special pay of Rs.35/- as the special pay of Rs.35/- was also taken into consideration for juniors while fixing their pay in the category of Head Clerks.

4. Some of the Senior Clerks who were promoted as Head Clerks with effect from 1-1-1984 and when they have not got the benefit of Rs.35/- special pay per month in the category of Senior Clerks, as their turn to work in the identified posts has not come, had filed O.A.No.192/90 on the file of this Bench praying for a direction to the



~~respondents~~ to re-fix their pay on their promotion as Head Clerks with effect from 1-1-1984 on notional basis as they have not been granted special pay of Rs.35/- p.m. while they were working as Senior Clerks and also for payment of arrears with effect from 1-1-1985. In the said OA it was held that the applicants therein were entitled to the stepping up of their pay.

5. The applicants herein made a representation dt. 14.10.1993 to the respondents requesting them for a similar relief of stepping up of pay as was done in the case of the applicants in O.A.No.192/90 which was disposed of by order of this Bench on 4.3.1993. But, there was no reply to the above said representation. It is learnt ~~by the applicants~~ that they were orally informed that the judgment referred to by them is only applicable to the applicants in O.A.No.192/90 and not to them.

6. The relief granted by this Bench in OA 192/90 dt. 4.3.1993 was also affirmed by the Supreme Court in S.L.P.Nos. 12651-54/93 dt. 4.3.1993.

7. Similar relief was claimed by applicants in OA 600/94 of which both of us were parties to that OA. That OA was disposed of by order dt. 23.1.1995 directing the respondents to step up the pay of the applicants therein in the category of Head Clerks so as to be on par with their respective juniors for the reasons stated ~~therein~~.

8. As the applicants herein are also similarly situated as that of the applicants in OA 600/94 we see no reason to differ from the judgment delivered in the said O.A.

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9. In the result, the following direction is given:-

The respondents are directed to step up the pay of the applicants 1 and 2 in the category of Head Clerks on par with their junior Sri N.V.Krishna Rao and in respect of applicants 3 to 9 on par with Sri G.V.Ramanaiah from the date when the pay of their respective juniors was more than the pay of the applicants and consequently to pay the arrears of salary and allowances.

10. The OA is ordered accordingly. No costs.//

(R.Rangarajan)
Member (Admn.)

V.Neeladri Rao
(V.Neeladri Rao)
Vice-Chairman

Dated 23rd January, 1995.

3-28) Deputy Registrar (J) CC

Grh.

To

1. The Divisional Railway Manager, S.C.Rly, Vijayawada.
2. The Chief Personnel Officer, S.C.Rly, Railnilayam, Secunderabad.
3. The Chief Project Manager, Railway Electrification S.C.Rly, Vijayawada.
4. The Member, Staff, Railway Board, Railvhaban, Union of India, New Delhi.
5. One copy to Mr.G.V.Subba Rao, Advocate, CAT.Hyd.
6. One copy to Mr.D.Francis Paul, SC for Rlys, CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. One spare copy.

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