

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD

O.A.No. 617/94

Date of Decision: 23-1-1995.

1. B. Yadgiri

2. M. Budanand

3. P.M. Babu Rao

... Applicants

V

1. Chief Works Manager,  
SC Rly., Lellaguda,  
Secunderabad.

2. Chief Personnel Officer,  
SC Rly, Rail Nilayam,  
Secunderabad.

3. Union of India rep. by  
Member (Staff)  
Railway Board, Rail Bhawan,  
New Delhi

... Respondents

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

Counsel for the Respondents : Mr. N.V. Ramana, Addl. CGSC

CORAM:

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

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

O.A.No. 617/94

Date of Decision: 23-1-1995.

JUDGEMENT

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

Heard Sri G.V. Subba Rao learned Counsel for the applicants and Sri N.V. Ramana, learned Standing Counsel for the respondents.

2. This OA was filed praying for setting aside the order dt. 11-1-1994 bearing No. LCDS/P/27/Special Pay of the Chief workshop Manager whereby the request of the applicants to step up their pay on par with their junior

Sri P.Krishna Das with effect from 22-1-1991 was rejected by declaring the same as arbitrary, illegal, unconstitutional and violative of Articles 14 and 16 of the Constitution of India and for a consequential direction for stepping up their pay on par with their junior and pay the arrears of salary and allowances.

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

The applicants herein are presently working as Head Clerks in the office of the Chief Workshop Manager, South Central Railway, Lallaguda, Secunderabad. 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 seniormost 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 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 to be paid from 1-1-1984 though they were considered for promotion as Head clerks and were promoted as Head Clerks with effect from 1-1-1984, the date of upgradation of the posts of senior Clerks as Head Clerks. But the junior in the category of Senior Clerk( juniors to those Head Clerks who were promoted from Senior Clerks to Head Clerks without working in identified posts) were being posted as Senior Clerks in the identified posts and accordingly they were paid Rs. 35/- p.m. 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 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 junior 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 had not come, had filed O.A.No. 192/90 on the file of this Bench praying for a direction to the respondents to review their pay on their promotion from to 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. 6-12-1993 to the respondents requesting for the similar relief of stepping up of pay and the same was denied as per impugned order dated 11-1-1994 stating that the applicants are not parties to the O.A.No. 192/90.

6. The relief granted by this Bench in OA 192/90 dt. 4-3-1993 was also affirmed by the Supreme Court in SLP No. 12651-54/93 dt. 4-3-93.

7. Similar relief was claimed by the applicants in OAs 600/94, 603/94 in which the facts are similar to the said OAs. Those OAs were disposed of by order dt. 23-1-1993 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 OAs 600/94 & 603/94, we see no reason to differ from the judgement delivered in the said OAs.

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

The respondents are directed to step up the pay of the applicants herein in the category of Head Clerk on or with the date when the pay of the said junior was more than the pay of the applicants and consequently to pay all arrears of salary and allowances.

10. The OA is ordered accordingly. No costs.

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