

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

C.P.No.24/2001

in

C.P.No.9/2000

Date: 16.4.2001

in

O.A.No.703/95

Between:

M.L.Narasimha Rao

.. Applicant No.1

A N D

Shri R.N.Varma,

Divisional Railway Manager,

Secunderabad (BG),

Sanchalan Bhavan,

Secunderabad - 500 071.

Respondent no.1

Counsel for the applicant : Mr.V.Venkateswara Rao

Counsel for the respondent: Mr. V.Vinodkumar

Coram:

Hon. Shri B.S.Jai Parameshwar, Member (J)

Hon. Shri S.K.Agrawal, Member (A)

O R D E R

(Per Hon. Shri B.S. Jai parameshwar, Member(J)

Heard Mr.V.Venkateswara Rao, learned counsel for the applicant and Mr. V.Vinodkumar, learned standing counsel for the respondents.

2. Applicant No.1 has filed this application to proceed against the respondent for not complying with the directions given in the C.P.No.9/2000 in OA 703/95.



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3. In OA 703/95 the following directions were given.

"Hence the respondents have to decide the inter-se seniority of both the applicants vis-a-vis R-4 on the basis of the date of entry of the applicants and R-4 in the grade of Rs.425-640. If the applicants had joined the scale of pay of Rs.425-640 earlier to R-4 then they rank senior to R-4 in the integrated seniority list of Section Controllers and vice versa. "

4. In C.P.9/2000 the following directions were given.

When the CP was taken up today, the learned standing counsel for the respondents produced letter No.CP/535/P.11/Optg.Seniority SCORs/99 dated 6-6-2000 (which is taken on record). From that letter, it is seen that the applicant has been given seniority. However, it is stated that the consequential benefits to the applicant are being arranged in accordance with the extant rules separately. The consequential benefits arising out of the same should be given to the applicant within a period of two months from the date of receipt of a copy of this order. "

5. The respondents have filed reply to the effect that even though the seniority of the applicant no. 1 was fixed in the scale of pay of Rs.2000-3200 w.e.f. 25-2-93 he has been given monetary benefits only from 1995 and that they have acted in accordance with the Rule 228 of the IREM. They submit that the other applicant in the ^{OA} has accepted the calculation and fixation of his pay. Thus they submit that they have not violated the directions given in the OA.

6. In the OA fixation of pay and seniority of the applicants arose on account of the fact that the persons who ^{were} working in the scale of pay of Rs.455-700 and Rs.425-640 were merged into the scale of Rs.1400-2300 on the recommendations of the IV Pay Commission.

7. While fixing the applicants and others in the new recommended scale of pay the respondents calculated the running allowance of the running staff. That was challenged in OA 421/90 and 431/90. The matter was taken to the Hon. Supreme Court of India. At the time of disposal of the OA the learned counsel for the respondents made a representation that the SLp against the order passed in OA 421/90 and 431/90 was pending. Taking that into consideration the above directions were issued.

8. Now the applicant No.1 submits that the respondents misled the Tribunal by stating that the SLP was pending. In fact SLP was decided in the year 1991 itself.

9. When the respondents gave the benefit of scale of pay of Rs.2000-3200 from 25-2-93 there was no justification to deny monetary benefits from that date.

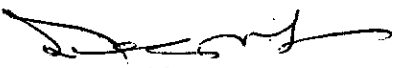
10. The question of fixing the pay of the applicant on notional basis and granting monetary benefits from a later date does not arise. The question that arose was fixing the pay in a particular scale of pay as per the recommendation of IV Pay Commission and they committed an error in calculating running allowance provided to the running staff while fixing them in the scale of pay of Rs.1320-2040. In that view of the matter the respondents now cannot rely upon para 228 of the IREM and submit that the applicant no.1 is eligible for notional fixation of pay from 25-2-93 and monetary benefits from 1995. The contention of the respondents cannot be accepted.

11. In this connection the learned counsel for the applicant relied upon the decision of the Jodhpur Bench of this Tribunal in the case of Ramesh Chander and another vs. R.S.Gahlawat and others reported in (1993)24 ATC 759. The Jodhpur Bench of this Tribunal considered the word "Consequential benefits" and held that the respondents had not complied with the directions.

12. In that view of the matter we feel that the applicant is entitled to the monetary benefits from the date he was fixed in the scale of pay of Rs.2000-3200 from 25-2-93.

13. The respondents shall pay the arrears to the applicant no.1 on his fitting in the scale of pay of Rs.2000-3200 within three months from the date of receipt of a copy of this order.


14. CP disposed of accordingly.


(S.K.AGRAWAL)
MEMBER(A)


(B.S.JAI PARAMESHWAR)
MEMBER(J)

16.4.01

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