

39

CENTRAL ADMINISTRATIVE TRIBUNAL: HYDRAVABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO. 1364 of 1995.

DATE OF DECISION: 5-7-96

Mond. Asraf Ali

APPLICANTS

Versus

D R N N A. Secy. & others

RESPONDENTS

FOR INSTRUCTIONS

1. Whether it be referred to the
reporters or not?

2. Whether it be circulated to
all the Benches of C.A.T.
or not?

MEMBER ()

Nice Chairman/Member (Adm.)

(CHRRN)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.1364 of 1995

DATE OF ORDER: 5th July, 1996

BETWEEN:

MOHD. ASRAF ALI

.. Applicants

and

1. The Divisional Railway Manager/MG,
South Central Railway,
Hyderabad Division, Secunderabad,

2. The Sr.Divisional Personnel Officer,
S.C.Railway, Hyderabad Division,
Secunderabad,

3. The Divisional Commercial Superintendent,
S.C.Railway,
Secunderabad.

.. Respondents

COUNSEL FOR THE APPLICANT: SHRI S.LAXMA REDDY

COUNSEL FOR THE RESPONDENTS: Mr.D.F.PAUL, ADDL.CGSC

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMINISTRATIVE)

JUDGEMENT

(AS PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMINISTRATIVE))

Heard Shri S.Laxma Reddy, learned counsel for the applicant.

2. The applicant in this OA while working as Fireman/I in Nizamabad was found medically unfit on 13.11.89. He was absorbed in the alternative category as



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Commercial Courier in the grade of Rs.825-1200 by letter dated 3.7.90. On absorption as Commercial Courier his pay was fixed at the maximum of the scale of pay of Rs.825-1200 i.e., at Rs.1200/-. His last pay was not protected and also 30% of the running allowances which is to be added to the basic pay on absorption of the running staff in the alternative post on his medical decategorisation as per Para 1313(2)(b) of Indian Railway Establishment Manual was not followed. It looks that he has not made any representation. This OA is filed praying for declaration that the action of the respondents in fixing the pay of the applicant at Rs.1200/- in the scale of pay of Rs.825-1200 instead of fixing his pay at Rs.1200 plus Rs.175/- plus 30% of the basic pay of Rs.1375/- in lieu of running allowance on his absorption as Commercial Courier with effect from 1.7.90 in terms of Para 1313 of IREM is totally illegal, without jurisdiction and violative of Articles 14, 16 and 300-A of Constitution of India and for consequential direction to the respondents to refix his pay and grant consequential benefits such as arrears of pay with interest.

3. A reply has been filed in this connection. The reply is very short and does not touch any important issues in this connection for not fixing his pay in accordance with Rule 1313(2)(b) of IREM.

4. But today I have disposed of a very similar case viz, O.A.NO.310/95 (M.S.Zama Khan v. CPO, S.C.Railway, Sec'bad and 3 others). The prayer and the contentions in

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42

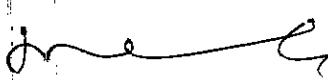
this OA are similar to that of the prayer and the contentions in O.A.No.310/95. For the reasons stated in the orders in the above referred OA, the present OA is also to be allowed.

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

R-1 and R-2 should fix the pay of the applicant herein when he was absorbed as Commercial Courier strictly following Para 1313(2)(b) of IREM without making any differentiation between Group I and II as indicated in the Railway Board's letter No.E(NG)I-86-RE3/3, dated 9.4.86 (RBE No.76/86). However, the applicant is entitled for arrears in this connection only from one year prior to filing of this OA i.e, from 13.7.94 (this OA was filed on 13.7.95).

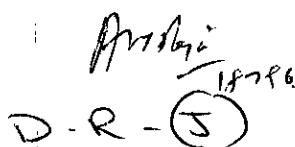
6. Time for compliance is four months from the date of receipt of a copy of this order.

7. The OA is ordered accordingly. No costs.


(R.RANGARAJAN)
MEMBER (ADMN.)

DATED: 5th July, 1996
Open court dictation.

vsn


D.R. (J)
18-7-96

contd -

5

(43)

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D.A. No. 1364/95

Copy to:

1. The Divisional Railway Manager,
MG, South Central Railway,
Hyderabad Division,
Secunderabad.
2. The Senior Divisional Personnel Officer,
South Central Railway, Hyderabad Division,
Secunderabad.
3. The Divisional Commercial Superintendent,
South Central Railway,
Secunderabad.
4. One copy to Mr. S. Laxma Reddy, Advocate, CAT, Hyderabad.
5. One copy to Mr. D. F. Paul, Addl. CGSC, CAT, Hyderabad.
6. One copy to Library, CAT, Hyderabad.
7. One duplicate copy.

YLKR

07/07/96
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COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R.RANGARAJAN: M(A)

DATED: 5-7-96

ORDER/JUDGEMENT

D.A. NO./R.A./C.P. No.

in
D.A. NO. 1364/95

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF, WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

YLRK

II COURT

No Space Copy

केंद्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

मेहर/1364/95-H

30 JUL 1996

हैदराबाद न्यायपीठ
HYDERABAD BENCH