

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

ORIGINAL APPLICATION No.1427 of 1995.
Dt. of Decision : 02-07-96.

Bernard Surrao

.. Applicant.

Vs.

1. The Chief Personnel Officer,
SCRly, Rail Nilayam,
Secunderabad.
2. The Divl.Rly, Manager,
SCRly, Vijayawada.
3. The Sr.Divl.Accounts Officer,
SCRly, Vijayawada.
4. The Sr.Divl.Personnel Officer,
SCRly, Vijayawada.

.. Respondents.

Counsel for the Applicant : Smt.Sarada for
Mr.P.Krishna Reddy

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

CORAM:-

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



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ORDER

Oral Order (Per Hon'ble Shri R.Rangarajan, Member (Admn.)

Heard Smt.Sarath for Mr.P.Krishna Reddy, learned counsel for the applicant and Mr. D.Francis Paul, learned counsel for the respondents.

2. This OA was filed on 28-08-95 and was admitted on 24-11-95. Though more than eight months are over no reply has been filed. But the prayer in this OA is similar to the OA.No.724/95. In view of the delay in filing the reply and also it being a covered case, the OA is disposed of today on the basis of the records available and after hearing the both the parties.

3. The applicant in this OA joined Railways as Apprentice Fireman-A in the Year January 1962. It is stated that he had rendered military service from 1951 to September 1959 prior to his appointment in Railways. He progressed in the running cadre and was promoted as Driver-C in the year 1968 and Driver-B in January 1980. While he was working as Driver-B, he was promoted in the Supervisory cadre as Power Controller on 24-10-82 on adhoc basis. He was regularised in the post of Running Supervisor w.e.f., 8-7-86 i.e., after introduction of the IV Pay Commission scales of pay in the grade of Rs.550-750/- (RS).

4. A proposal was sent to the associate accounts to fix his pay in the IV Pay Commission scales as Running Supervisor as if he would have been continued in the cadre as Driver-B just prior to his regularisation as Supervisor w.e.f., 8-7-86. The above fixation was certified by the associate account.

5. Later it was pointed out by the accounts that the

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applicant remained in Supervisory cadre prior to 1-1-86 i.e., from October 1982 and after regular promotion of supervisor w.e.f., 8-7-86. Hence, the account department observed that there was no necessity to refix his pay on regular promotion based on assumed pay as Driver-B as if he had continued in the running cadre. It is further stated that there was no provision in the Code/Rules to fix his pay again on regular promotion. Hence, the pay fixed earlier was withdrawn and a fresh pay fixation was done thereby bringing down his earlier pay fixed. The applicant finally retired from railway service voluntarily on 13-12-91 by which time he had completed 30 years of service. His pension was calculated on the basis of the later revised pay fixation.

6. Aggrieved by the above reduction in pay and the resultant reduction in pension he has filed this OA to set aside the Memorandum No.B/P.487/III/PC/Vol.III dated 25-04-91 and for a consequential direction to re-fix his pension by restoring his pay as it stood earlier prior to the impugned memorandum dated 25-04-91 and also for inclusion of the military service for fixation of pension.

7. The prayer in this OA is similar to the prayer in OA.724/95, which was disposed of on 18-03-96. The contention advanced in this OA is also similar. He was also regularised as a Supervisor on 8-7-86 as was done in the case of the applicant in OA.724/95. Hence this OA is to be disposed of giving the same directions as given in OA.No.724/95. As regards counting of his service in the military service no representation for counting

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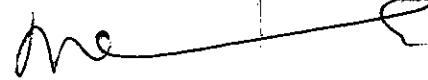
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that service was filed alongwith this OA. Though it is avered that he represented for counting of military service for the purpose of fixation of pension and pensionary benefits, if that service is counted he will have more than 30 years of service. If he has filed any representation earlier which may be checked from the records, a direction has to be given to dispose of that representation in accordance with rules.

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

The impugned memorandum No.B/P.487/III/PC/Vol.III dated 25-4-1991 reducing his pay from his earlier fixation is set aside and the pay of the applicant is to be governed by the pay fixation chart conveyed to him in the first instance on 10-04-89 and based on the said pay fixation his pension has to be fixed. If he has filed any representation in regard to his counting of military service and if such a representation is available on record, the same should be disposed of by a speaking order after verifying the records in accordance with rules within 3 months from the date of receipt of a copy of this order. If no such representation is available on record, this facts has to be informed to the applicant in writing. If the applicant is going to be aggrieved by the order to be passed, he is at liberty to approach this Tribunal by filing a fresh OA if so advised. If any amounts has been deducted due to downword reduction of pay the same should be paid back to him on the basis of the records.

8. The OA is ordered accordingly. No costs.

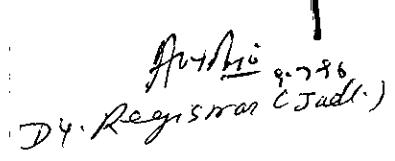


(R. RANGARAJAN)

MEMBER (ADMN.)

Dated : The 2nd July 1996.

(Dictated in the Open Court)



D.Y. Registrar (Jad.)

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Copy to:-

1. The Chief Personnel Officer, S.C.Rly, Rail Nilayam, Sec'bad.
2. The Divisional Railway Manager, S.C.Railway, Vijayawada.
3. The Sr. Divisional Accounts Officer, S.C.Rly, Vijayawada.
4. The Sr. Divl. Personnel OfficeF, S.C.Rly, Vijayawada.
5. One copy to Sri. P.Krishna Reddy, Advocate, CAT, Hyd.
6. One copy to Sri. D.Francis Paul, SC for Rlys, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

Rsm/-

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DA-1427/95

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APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED: 21/7/96

ORDER/JUDGEMENT

O.A. NO. /R.A./C.P. NO.

O.A. NO. 1427/95

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

YLKR

II COURT

No spare copy

केन्द्रीय प्रशासनिक विधिकरण
Central Administrative Tribunal

DESPATCH

15 JUL 1996 *W*

हैदराबाद न्यायपीठ
HYDERABAD BENCH