

CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH :  
AT HYDERABAD.

O.A.No.1465 of 1995

Date of Order - 27th October, 1997.

Between :

Xavier Joseph, aged about 58 years,  
Son of Late Harry Joseph,  
Retired Carriage Fitter/HSI  
(High Skilled Grade I)  
Resident of H.No.10-2-18/3.,  
Bazar Ghat, Hyderabad-500 457. .... Applicant

And

1. The Divisional Railway Manager(P)B.G.  
South Central Railway, Secunderabad.
2. The General Manager,  
South Central Railway,  
Secunderabad.
3. The Chief Personnel Officer,  
South Central Railway,  
Secunderabad. .... Respondents

Counsel for the applicant - Mr. K. Venkateswara Rao  
Counsel for the respondents - Mr. K. Siva Reddy, SC.

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Coram :

Honourable Mr. R. Rangarajan, Member(Admn.)  
Honourable Mr. B.S.Jai Parameshwar, Member(Judl.)

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ORDER ( ORAL )

(Per Hon. Mr. R. Rangarajan, Member(Administrative)).

1. Heard Mr. K. Venkateswara Rao for the applicant  
and Mr. K. Siva Reddy for the respondents.
2. The applicant in this O.A. was originally appointed  
as a Khalasi with effect from 28.1.1963 and later he was  
promoted as Basic Fitter and thereafter as Carriage  
Fitter. He was subsequently promoted as Carriage Fitter  
(H.S. II) and finally as Carriage Fitter (HS-I) with effect  
from 20.7.1988 as per Order No. S.O.O.No.66/C&W/88 dated

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20.7.1988 (Annexure-A.2) issued by the respondent No.1. However, he was not promoted as HS Grade I due to the pendency of the departmental and criminal proceedings against him. The applicant submits that he retired on superannuation on 31.7.1995.

3. The applicant was absolved of criminal proceedings by the XII Metropolitan Magistrate, Hyderabad in C.C. No.379/87 dated 31.10.1989. Respondent No.3 issued Memorandum No.CM 226/C&W/BG/SC dated 25.1.88 / 26.2.1988 imposing the penalty of reversion to the next lower post for a period of two years (N.C.) and accordingly he was reverted from Grade II i.e. Rs.1200-1800/- (RSRP) to Grade III in the scale of pay of Rs.950-1500/- and fixed his pay at Rs.1225/- (RSRP) for a period of two years (N.C.) The applicant being aggrieved by the above order, filed a representation before Respondent No.1 on 10.7.1990. Thereafter, the Senior Divisional Mechanical Engineer probably the appellate authority issued the order No.CM.226.C&W. BG.SC dated 6.2.1990 (Annexure-4 at page 10 of the OA) reducing the penalty to withholding of increments for a period of two years (Non-recurring) and further observing that only minor penalty should be imposed for minor procedural irregularities. Thereafter the applicant filed another appeal before respondent No.1 on 8.1.1991 which still remains undisposed of. That is being assailed separately.

4. In view of the above, his claim for payment of arrears in the post of Carriage Fitter Grade I in the scale of pay of Rs.1320-2040/- with effect from 20.7.1988 has not been settled. The applicant made repeated representations for consideration of his promotion to the above post with effect from 20.7.1988 along with his batch mates with all consequential benefits.

5. The applicant was informed by the Office order No. CP/535/C&W/CF I/SC ( O.O.NO.37/C&W/95) dated 21.4.95

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(Annexure-1 at page 6 of the OA) that on completion of the said punishment, the applicant became due for promotion as C.F.-I with effect from 24.1.1990 but was erroneously promoted on 21.1.1993 vide office order No.1/C&W/93 issued under letter of even number dated 21.1.1993. Hence it was declared that the applicant is deemed to have been promoted as C.F. Grade I in the scale of pay of Rs.1300-2040/-(RSRP) with effect from 20.7.1988 on proforma basis on par with his juniors, with the benefit of fixation of pay from 24.1.1990 the date from which he was free from punishment. However, he was eligible for arrears from 21.1.1993 the date from which he was actually holding the post.

6. The applicant in this O.A. submits that his promotion was erroneously given from 21.1.1993 instead of 24.1.1990 which has been admitted by the respondents in their letter dated 21.4.1995. Hence he should be paid arrears from 24.1.1990 notionally fixing his pay in that grade with effect from 20.7.1988.

7. This O.A. is filed praying for a declaration that the applicant is entitled for payment of arrears in the promotional post as Carriage Fitter Grade I in the scale of pay of Rs.1300-2040/. with effect from 20.7.1988 and not from 21.1.1993 as per order dated 21.4.1995 of the respondent No.1 with all consequential benefits, like, seniority, pay and allowances and pensionary benefits on that basis.

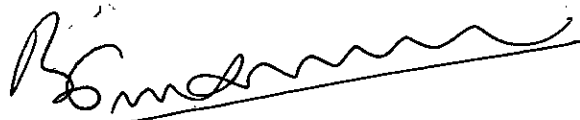
8. From the above narration of the facts, it appears that the respondents themselves have admitted that the applicant should have been promoted with effect from 24.1.1990 as Carriage Fitter Grade I instead of 21.1.1993. If that is so, the applicant may be entitled for arrears atleast from 24.1.1990 if not from 20.7.1988. However,

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the applicant has not made any representation to respondent No.1 so far. Hence it is essential that he should submit a detailed representation in this connection to respondent No.1 praying for his fixation of pay and payment of arrears as he deems fit. If such a representation is received, the same should be disposed of by respondent No.1 as expeditiously as possibly preferably within three months from the date of receipt of the representation.

9. The O.A. is ordered accordingly at the admission stage itself. No costs.



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

27.10.97

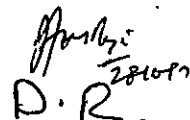


( R. RANGARAJAN )  
MEMBER( ADMINISTRATIVE )

Dated the 27th October, 1997.

Dictated in the open Court.

DJ/

  
D.R.

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Copy to:

1. The Divisional Railway Manager, (P), B.G.,  
South Central Railway, Secunderabad.
2. The General Manager, South Central Railway,  
Secunderabad.
3. The Chief Personnel Officer, South Central Railway,  
Secunderabad.
4. One copy to Mr.K.Venkateswara Rao, Advocate, CAT, Hyderabad.
5. One copy to Mr.K.Siva Reddy, Addl.CGSC, CAT, Hyderabad.
6. One copy to D.R(A), CAT, Hyderabad.
7. One duplicate copy.

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27/11/97  
TYPED BY  
COMPARED BY,

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD

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

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR :  
M. (J)

Dated: 27-10-97

ORDER/JUDGMENT

~~M.A./R.A./C.A. NO.~~

in

O.A. NO. 1465/95

Admitted and Interim Directions  
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

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II Court

