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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
AT HYDERABAD

O.A.No. 1587 of 1995

Dated: 2-1-1996

Between :

1. D. Nageswara Rao
2. T.V.S.S.Narayana
3. K.S.S. Varaprasad Babu

.. Applicants

And

1. Senior Divisional Personnel Officer, S.C. Railway, Vijayawada Division, Vijayawada, Krishna District.
2. Divisional Railway Manager, S.C. Railway, Vijayawada Division, Vijayawada, Krishna District.
3. General Manager, S.C. Railway, Rail Nilayam, Secunderabad.

.. Respondents

Counsel for the Applicants : Sri M.G. Jacob

Counsel for the Respondents: Sri N.V. Ramana SC for Rlys.

CORAM

Hon'ble Mr. A.B. Gorthi, Administrative Member

O.A. No. 1587/95

Dt. of Decision: 02-01-1996

ORDER

¶ As per Hon'ble Shri A.B. Gorthi, Member (Admn.) ¶

The relief claimed by the applicants in this O.A. is for a direction to the respondents to protect their pay in terms of 1313(a) of the Indian Railway Establishment Code. Vol. II on their transfer to the Vijayawada division and to pay them consequential benefits.

2. All the three applicants were working as Assistant Station Master in the scale of pay of Rs. 1200-2040/- (RSRP) in Hyderabad (MG) Division of SC Railway. Subsequently they were promoted to the higher grade of Rs. 1400-2300. Later on, on their request they were transferred to Vijayawada division of SC Railway in the lower scale of pay of Rs. 1200-2040 (RSRP). The claim of the applicants is that in terms of Rule 1313(a)(ii)

and (iii) of IREC, Vol.II their last pay drawn at Hyderabad Division should have been protected on their transfer to Vijayaaada.

3. Hear learned counsel for both the parties.

4. Shri M.C. Jacob, Learned counsel for the applicants has drawn my attention to a judgement of this Bench of the Tribunal in OA 1252/94 wherein the applicants were similarly situated as the applicants before me. The said OA was decided on 14-11-1994 with a direction to the respondents to fix the pay of the applicants therein by giving them protection in terms of Rule 1313(a)(iii) of the IREC, Vol.II.

5. As the applicants before me are similarly situated as those in the afore-stated OA 1252/94, there is no reason why similar benefit should not be granted to the applicants also.

6. Accordingly this OA is allowed at the admission stage itself with a direction to the respondents to notionally fix the pay of the applicants by protecting their pay in accordance with para 1313(a)(iii) of IREC, Vol.II. Consequential monetary benefits accruing to the applicants will be granted with effect from 01-12-1994 i.e., one year prior to the date of filing of this OA and paid to the applicants a period of three months from the date of communication of this order. .

7. The OA is ordered accordingly. No costs.

Sd/-
H.A.B .G.

CERTIFIED TO BE TRUE COPY

Sd/-
COURT OFFICER

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Review App

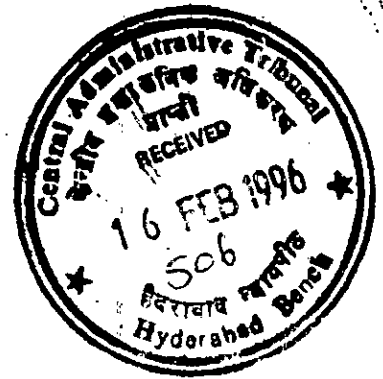
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Review application

M.C. Jacob,
Advocate

Counsel for Review petitioner

Handwritten signature and date 14/2/96