

(17)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

OA.169/95

date of decision : 9-2-95

Between

1. P. Kumaran  
2. P.C. Samuel  
3. D. Kruparathanam : Applicants

11. Chief Mechanical Engineer  
South Central Railway  
Rail Nilayam, Secunderabad

2. Chief Personnel Officer  
SC Rly., Rail Nilayam  
Secunderabad

3. General Manager  
South Central Railway  
Rail Nilayam, Secunderabad

4. Union of India, rep. by  
Member Staff, Railway Board  
Rail Bhavan, New Delhi : Respondents

Counsel for the applicants : G.V. Subba rao  
Advocate

Counsel for the respondents : G.S. Sanghi  
SC for Railways

CORAM

HON. MR. JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

HON. MR. R. RANGARAJAN, MEMBER (ADMN.)

O.A.No:169/1995

Dt. of decision:

2/2/95

JUDGEMENT

( As per Hon'ble Sri R. Rangarajan, Member(A) )

Heard.

2. This O.A. was filed praying for a direction to the respondents to step up the pay of the applicants junior from the dates on which the pay of their juniors is higher than their seniors (the applicants herein) with all consequential benefits including the arrears.

3. All the applicants were promoted from the posts of Sr. Clerks to Office Superintendents/Statistical Inspectors. There was mass upgradation of posts of sr. Clerks to Head Clerks consequent to the upgradation w.e.f. 1-1-84. The applicants herein were promoted as Head Clerks before being posted in the identical posts of Sr. Clerks which carried a special pay of Rs.35/-. As they have not worked in the identical posts, their pay as Sr. Clerks/<sup>was</sup>fixed without taking into account the special pay of Rs.35. Hence the prayer as above for stepping up of their pay with respect to their junior, Sri P. Prabhat Suryam.

4. OA No.192/90 was decided by an order of this Tribunal dt.4-3-93 wherein one of us (Mr. Justice V. Neeladri Rao, V.C.) was a party to that judgement. The applicants in this OA who were also promoted as Senior Clerks claim stepping up of their pay with respect to

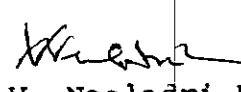
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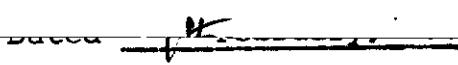
their juniors on similar grounds. That OA was allowed by this Bench. Similar OAs No.195/90, 312/90, 313/90 and 314/90 filed for the same relief were also disposed of by order dt.4-3-93. Points involved in those OAs were identical to the points covered in OA 192/90, SLP Nos.12651-54/93 filed by the respondents in the above 4 OAs viz.195/90, 312/90, 313/90, and 314/90 against the decision of this Bench was dismissed by Supreme Court by it's order dt.18-11-1993. In view of the above, the decision of this Bench in OA 192/90 had become final. As the applicants in this OA are similarly situated, we follow the judgement in OA 192/90 in this OA also and give the same direction viz:

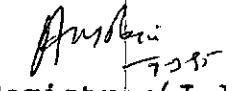
The stepping up of salary of the applicants as Head Clerks has to be made from the dates on which the pay of their junior, Sri P. Prabhat Suryam is higher than their pay. The arrears on such fixation have to be paid within 3 months from the date of receipt of a copy of this order.

5. The OA is ordered accordingly at the admission stage. No costs.

  
( R. Rangarajan )  
Member (A)

  
( V. Neeladri Rao )  
Vice Chairman

  
kmv

  
Dy. Registrar (Jud1)

(90)

To,

-A-

1. Chief Mechanical Engineer, South Central Railways, Rail Nilayam, Secunderabad.
2. Chief Personnel Officer, South Central Railways, Rail Nilayam, Secunderabad.
3. General Manager, South Central Railways, Rail Nilayam, Secunderabad.
4. Member Staff, Railway Board, Union of India, Rail Bhavan, New Delhi.
5. One copy to Mr. G. V. Subba Rao, Advocate, CAT, Hyd.
6. One copy to Mr. G. S. Sanghi, SC for Railways, CAT, Hyd.
7. One copy to Libracy, CAT, Hyd.
8. One spare.

kku.

09-169/95

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE V.NEELADRI RAO  
VICE-CHAIRMAN

AND

THE HON'BLE MR.R.RANGARAJAN : M(AMN)

DATED: 9-2-1995

ORDER/JUDGEMTN:

M.A./R.A./C.A. No.

in

O.A. No. 169/95

T.A. No.

(w.p.)

Admitted and Interim directions issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected

No order as to costs.

PVM

No. 3 Part 10/95

