

(16)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD.

O.A. NO. 352/95

DATE OF JUDGMENT: 27-4-95

BETWEEN:

M. Jagannadha Rao, : Applicant

and

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

2. Genl. Manager, SC Rly.
Rail Nilayam, Secunderabad

3. Union of India, rep. by
Member staff, Railway Board
Rail Bhawan, New Delhi

: Respondents

COUNSEL FOR THE APPLICANT: SHRI G.V. Subba Rao, Advocate

COUNSEL FOR THE RESPONDENTS: SHRI G.S. Sanghi
Sr./Addl. CGSC

CORAM:

HON'BLE SHRI JUSTICE V. NEEBADRI RAO, VICE CHAIRMAN
HON'BLE SHRI R. RANGARAJAN, MEMBER (ADMN.)

CONTD....

JUDGMENT

I as per Hon'ble Sri R.Rangarajan, Member(Administrative) I

Heard Sri G.V.Subba Rao, learned counsel for the applicant and Sri G.S.Sanghi, learned Standing Counsel for the respondents.

2. The applicant herein who is presently working as Office Superintendent Grade-II in the office of the Chief Signal Telecommunications Engineer, South Central Railway, Secunderabad, has filed this OA praying for a direction to the respondents to step up his pay as Head Clerk on par with his junior from the date on which the pay of his junior is higher than him, with all consequential benefits including arrears.

3. The applicant herein was promoted from the post of Senior Clerk to Head Clerk and subsequently as Office Superintendent Grade-II. It is stated for the applicant that the pay of Sri D.Venkat Rao, who was junior to him in the category of Head Clerk, was fixed at Rs.1560/- with effect from 1.2.1986. It is stated that he was given the benefit of special pay of Rs.35/- p.m. even in the higher grade. Whereas the applicant who was senior to him was not given the benefit of ~~Rs.~~ special pay of Rs.35/- in the grade of Senior Clerk and even after promotion as Head Clerk though he was senior to the above said Sri D.Venkat Rao.

4. OA No.192/90 was decided by an order of this Bench dt. 4.3.1993 wherein one of us (Mr.Justice V.Neeladri Rao, Vice Chairman) was a party to that judgment. The applicants in this OA who was also promoted as Head Clerk claim stepping up of ~~their~~ pay with respect to his juniors on similar grounds.

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: 3 :

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. 4.3.1993. Points involved in those OAs were identical to the points covered in OA No.192/90. SLP Nos.12651-54/93 filed by the respondents in the above 4 OAs viz. OA No.195/90, 312/90, 313/90 and 314/90 against the decision of this Bench was dismissed by Supreme Court by its order dt. 18.11.1993. In view of the above, the decision of this Bench in OA No.192/90 had become final. As the applicants in this OA are similarly situated, we follow the judgment in OA 192/90 in this OA also and give the same direction viz:-

The stepping up of salary of the applicant as Head Clerk has to be made from the date on which the pay of his junior is higher than his pay. The arrears on such fixation have to be paid within three months from the date of receipt of a copy of this order.

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

me
(R.Rangarajan)
Member (Agmn.)

Wen
(V.Neeladri Rao)
Vice Chairman

Dated 29 April, 1995.

Grh.

DEPUTY REGISTRAR (J)

To

1. Chief Personnel Officer, South Central Railway, Railnilayam, Secunderabad.
2. The General Manager, South Central Railway, Railnilayam, Secunderabad.
3. Member Staff, Railway Board, Rail Bhavan, New Delhi.
4. One copy to Mr.G.V.Subba Rao, Advocate, CAT, Hyderabad.
5. One copy to Mr.G.S.Sanghi, Addl. CGSC, AT, Hyderabad.
6. One copy to Library, CAT, Hyderabad.
7. One spare copy.

YLKR

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COMPARED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

V. Nediadri, Rao, J.C.
THE HON'BLE SHRI A. V. HARIDASAN, MEMBER

AND
R. Rangarajan,
THE HON'BLE SHRI A. S. GORTHI, MEMBER

DATED 27-4-95

ORDER/JUDGMENT

M.A. NO/R.P. NO./C.P. NO.

in

D.A. NO. 352/95

Admitted and Interim directions issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Rejected/Ordered.

No order as to costs.

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