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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.455 of 1995

DATE OF ORDER: 25th November, 1997

BETWEEN:

1. A.V.RAMESH BABU,
2. A.SREEDHAR,
3. NLN MURTHY,
4. K.GOPLAKRISHNA MURTHY,
5. E.JHANSI RANI,
6. DEEPA_KRISHNAMACHARI,
8. P.NAGRAJ,
9. ANIL KAPOOR,
10. T.LAKSHMAN RAO.

.. APPLICANTS

AND

1. The Chairman, Railway Board,
Rail Bhavan, New Delhi 110001,
2. The Financial Adviser & Chief Accounts
Officer, S.C.Railway,
Secunderabad 500371,
3. Union of India represented by
the Secretary, Ministry of Finance,
Govt. of India,
New Delhi.

.. RESPONDENTS

COUNSEL FOR THE APPLICANTS: Mr.J LALITHA PRASAD

COUNSEL FOR THE RESPONDENTS: Mr.K.SIVA REDDY, Addl.CGSC

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

HON'BLE SHRI B.S.JAI PARAMESHWAR, MEMBER (JUDL.)

JUDGEMENT

ORAL ORDER (PER HON'BLE SHRI B.S.JAI PARAMESHWAR,
MEMBER (JUDL.))

None for the applicants. Heard Mr.K.Siva Reddy,
learned standing counsel for the respondents.

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2. There are 10 applicants in this OA. They were appointed as Clerks Gr.I in the scale of pay of Rs.330-560 in the years 1980 to 1983 in the Accounts Department of South Central Railway. They submit that they are Graduates and they were recruited through the Railway Recruitment Board as Clerks Gr.I which was redesignated as Junior Accounts Assistant. Their future avenue of promotion is Sub Head, now designated as Accounts Assistant, in the scale of pay of Rs.1400-2000 on completion of 3 years of service as Junior Accounts Assistant based on seniority-cum-suitability and further as Section Officer (A) in the scale of pay of Rs.1640-2900 on passing the departmental examination called the IREM Appendix III A and next promotion is to the post of Senior Section Officer (A) in the scale of pay of Rs.2000-3200 on completion of 3 years of service as Section Officer (A). The next promotion is to the post of Accounts Officer (Group 'B') after observing the selection process.

3. The IVth Pay Commission recommended similar scales of pay for the officers working in the Accounts Department in Railways as well as Audit and Accounts of other Central Government Departments. As per the recommendations of the IVth Pay Commission, the number of posts in the functional grade were left for the Government to decide. The Indian Railways through letter dated 18.6.87 decided that 4:1 of the posts in higher and lower scales in the Accounts cadre should be as under:-

I. Section Officers (A/cs) :	Rs.2000-60-2300-	
	EB-75-3200	80%

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Inspector of Station Accounts (TIAs)		
Inspector of Stores Accounts (ISAs)	Rs.1640-60-2600- EB-75-2900	20%
II. Clerks Grade I (including existing Sub Heads)	Rs.1400-40-1600-50- 2300-EB-60-2600 Rs.1200-30-1560- EB-40-2040	80% 20%

4. The Railway Board in its letter dated 12.12.94 the benefit of restructuring cannot be extended to Accounts staff in lower grades i.e, Junior Accounts Assistants and Account Assistants and the benefit of the revised scale of pay as per the recommendation was extended on and from 1.4.87.

5. This OA is filed praying for setting aside the impugned order No.AAD/P.10 dated 12.12.94 (Annexure A-I at page 13 to the OA) wherein the Railways declined to grant them the scale of pay of Rs.1400-2600 with effect from 1.1.86 and for consequential direction to the respondents to grant them the scale of pay from 1.1.86 instead of 1.4.87.

6. One of the recommendations made by the Pay Commission was that the scales of pay of Rs.1400-2000 and Rs.2000-3200 should be treated as functional grades requiring promotion as per normal procedure for the staff in the I.A. and A.D. and other Accounts Organisations. The The number of posts to be placed in these two scales were to be examined.

6. Accordingly, the Government examined the position and identified the posts and issued the Office Memorandum

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that the appointments to the extent of the number of posts identified should be made with effect from 1.4.87. The Railways also have issued a similar notification as can be seen from the letter NO.PCIV86/Imp/30 dated 18.6.87 (Annexure A-III at page 15 to the OA). The applicants in this OA were given the scales of pay with effect from 1.4.87.

7. In the Interlocutory Application No.4 in the Review Petition No.951/92 in Special Leave Petition (C) No.13492 of 1991, the same issue came up for consideration before the ^{Hon'ble} Apex Court for fixing the scales of pay with effect from 1.1.86 instead of 1.4.87. The Apex Court in the Interlocutory Application considering all the facts held, "Respondent-employees in the present proceedings would be entitled to the revised pay scales only with effect from 1st April, 1987 since the revised pay scales will be fixed for the first time with effect from that date. They are not entitled to any difference on the basis of the notional fixation of pay w.e.f. 1.1.1986. The arrears, if any, paid to the respondent-employees on account of the notional fixation of their pay w.e.f. 1st January, 1986 may be recovered from their future salaries. It is, however, made clear that the said arrears shall not be recovered from those of the employees who have already retired from service."


7. From the above, it is clear that the revised pay scales are operative only from 1.4.87 and not from 1.1.86. In the present case, the applicants' request for fixation of their pay in the scale of pay of Rs.1400-2600 with

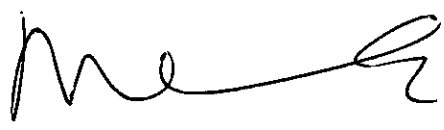
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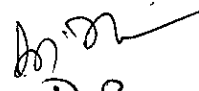
effect from 1.1.86 was rejected by the Apex Court and hence the applicants herein are not entitled for fixation of their pay in the scale of pay of Rs.1400-2600 with effect from 1.1.86 but they are entitled only with effect from 1.4.87. The arrears, if any, paid to them on account of the notional fixation of their pay with effect from 1.1.86 ~~should~~ - - - - - their future salaries and the arrears, if any, paid to those who retired from service shall not be recovered.

7. In view of the above, the OA is dismissed. No order as to costs.


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


(R. RANGARAJAN)
MEMBER (ADMN.)

25.11.97
DATED: 25th November, 1997
Dictated in the open court.


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Copy to:

1. The Chairman, Railway Board, Rail Bhavan, New Delhi-110 001.
2. The Financial Adviser & Chief Accounts Officer,
S.C.Railway, Secunderabad- 500 371.
3. Union of India represented by
the Secretary, Ministry of Finance,
Govt. of India, New Delhi.
4. One copy to Mr. J. Lalitha Prasad, Advocate, CAT, Hyderabad.
5. One copy to Mr. K. Siva Reddy, Addl. CGSC.
6. One copy to Mr. B. S. Jai Parameshwar, Member (Judl)
7. One copy to Mr. D. R. (Admn), C.A.T., Hyderabad.
8. One duplicate Copy.

6.12/82

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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: 25/11/82

ORDER/JUDGMENT

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

in

D.A.NO. 2455/85

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

II Court

केंद्रीय प्रशासनिक अधिकरण Central Administrative Tribunal प्रेषण/DESPATCH - 2 DEC 1982 हैदराबाद न्यायपीठ HYDERABAD BENCH
