

(17)

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

O.A.NO. 565/95

DATE OF JUDGMENT: 2.5.95

BETWEEN:

- | | |
|--------------------------|--------------------------------|
| 1. Ch. Subba Rao | 6. David Samuel |
| 2. M. Narasimha Murthy | 7. Smt. Jayaratna Sunder Rajan |
| 3. Ch. Narasimha Rao | 8. G. Antic |
| 4. Smt. Prabha Alexander | 9. Smt. K. Uma Devi |
| 5. P. Satyanarayana | .. Applicants. |

A N D

- | | |
|---|-----------------|
| 1. Chief Personnel Officer,
S.C.Rly., Rail Nilayam,
Secunderabad. | |
| 2. General Manager,
S.C.Rly., Rail Nilayam,
Secunderabad. | |
| 3. Union of India, Rep. by
Member Staff, Railway Board,
Railway Bhavan,
New Delhi. | .. Respondents. |

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

COUNSEL FOR THE RESPONDENTS: SHRI N.R. Devraj
Sr./Addl. CGSC

CORAM:

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

CONTD.....

(18)

: 2 :

O.A.No. 565 /95.

Date: 2/8/95

J U D G M E N T

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

Heard Sri G.V.Subba Rao, learned counsel for the applicants and Sri N.R. *Deva Rao*, learned Standing Counsel for the respondents.

2. There are 9 applicants in this case. I called this OA praying for a *de* to the respondents to pay of the applicants as Head Clerks on par with their junior from the date on which the pay of their junior is higher than his seniors (the applicants herein) with all consequential benefits including arrears.

3. All the applicants were promoted from the post of Senior Clerk to Head Clerk and subsequently as Office Superintendent Grade-II/I. It is stated for the applicants that the pay of Sri S.A.Swaminathan, who was junior to them in the category of Head Clerks, was fixed at Rs.1560/- with effect from 29.8.1986 and at Rs.1640/- with effect from 1.10.1986 on his promotion with effect from 29.8. It is also stated that he was given benefit of special pay of Rs.70/- even in the higher grade. Whereas, the applicants who were seniors to him were not given the benefit of special pay of Rs.70/- in the grade of Senior Clerk and even after promotion as Head Clerk though they were seniors to the above said Sri Swaminathan.

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

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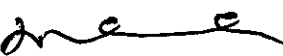


(19)

in this OA who were also promoted as Head Clerk claim stepping up of their pay with respect to 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. 4.3.1993. 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. OANO.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 applicants as Head Clerks has to be made from the dates on which the pay of their junior is higher than their pay. The arrears of 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.


(R. Rangarajan)
Member (Admn.)


(V. Neeladri Rao)
Vice Chairman

Dated 2nd May, 1995.


Deputy Registrar

To

1. The Chief Personnel Officer, S.C.Rly, Railnilayam, Secunderabad.
2. The General Manager, S.C.Rly, Railnilayam, Secunderabad.
3. The Member Staff, Railway Board, Union of India, Railway Bhavan, New Delhi.
4. One copy to Mr. G.V. Subba Rao, Advocate, CAT. Hyd.
5. One copy to Mr. N.R. Devraj, SC for Rlys, CAT. Hyd.
6. One copy to Library, CAT. Hyd.
7. One spare copy.

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THPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

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

A N D

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

DATED 2.5.95 1995.

ORDER/JUDGMENT:

M.A./R.A./S.A.No.

OA.No.

in

TA.No.

(W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

along with OA copy,

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No. order as to costs.

