

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. No. 3550/96.

O.A. No. 1342/96.

Dt. of Decision : 18-11-96.

1. Md. Gayasuddin Javeed
2. Y.Venkataramana Prasad
3. Gopalakrishna Patnaik

.. Applicants.

Vs

1. The Sr.Divl.Personnel Officer,
SC Rly, Vijayawada Division,
Vijayawada, Krishna District.
2. The Divl.Railway Manager,
SC Rly, Vijayawada Division,
Vijayawada, Krishna District.
3. The General Manager,
SC Rly, Rail Nilayam,
Sec'bad.

.. Respondents.

Counsel for the Applicants : Mr. B.Narasimha Sarma
Counsel for the Respondents : Mr. J.R.Gopala Rao, SC for Rlys.

CORAM:

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

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

Jai

[Signature]

ORDER

ORAL ORDER (PER HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.))

Heard Mr.Jacob for Mr.B.Narasimha Sarma, learned counsel for the applicants and Mr.Krishna Mohan for Mr.J.R. Gopala Rao, learned counsel for the respondents.

2. There are three applicants in this OA. The first and second applicants were transferred from Hubli to Vijayawada Division while they were working as and posted in the Vijayawada Division in the grade of 1200-2040/-. At the time of their relief from Hubli they were in the grade of Rs.1400-2300/- drawing pay of 1400/-.

AS in Hubli division

3. The third applicant was transferred from Hyderabad to Vijayawada Division in the grade of Rs.1200-2040/- when he was working in the Hyderabad Division in the grade of Rs.1400-2300/- and his pay in the lower grade was not protected while appointing him in the Vijayawada Division.

4. The details of their last pay drawn in the previous division and their pay ~~fix~~ fixation in the Vijayawada division and the date of their joining ⁱⁿ Vijayawada Division has been indicated in Annexure-I to the OA. The applicants submit that their pay in the Vijayawada division in their cases should be protected in terms of Rule 1313 (a) (ii) and (iii) of IREC, Vol.II. They also relied on the judgements of this Tribunal in OA. 1252/94 (enclosed as Annexure-VII) to the OA for this relief.

5. This OA is filed praying for protection of their pay at the time of relief from Hubli/Hyderabad Division when they joined Vijayawada Division in terms of Rule 1313 (a) (ii) and (iii) of IREC, Vol.II as directed in the case of the ~~xxx~~ applicants in OA.1252/94 on the file of this Bench.

6. The applicants have filed representation to R-2 as can be seen from Annexure-IV, V and VI respectively of the OA. It is stated that these representations are still pending.

7. As the ^{representations} applications are pending it is justifiable to pass an order to dispose of the representations in accordance with rules taking due note of the observations made by this Tribunal in OA. 1252/94 decided on 14-11-94.

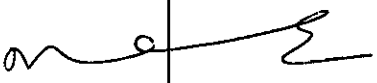
8. In the result, the following direction is given:-

R-2 should dispose of the representations of the applicants dated 20-04-96, 05-01-96 and 26-04-96 (Annexure-IV, V and VI) in accordance with law taking due note of the directions given by this Tribunal in OA. 1252/94 decided on 14-11-94. In case a favourable decision is going to be taken in their representations the applicants are entitled for arrears, if any, only from 6-11-95 i.e., one year prior to filing of this OA. (This OA was filed on 6-11-96).

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

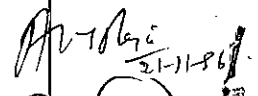
(Registry should send a copy of this OA with the enclosures alongwith the judgement to R-2).


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


(R. RANGARAJAN)
MEMBER (ADMN.)

18.11.96
Dated : The 18th Nov. 1996.
(Dictated in the Open Court)

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D.R. (J)

..4..

O.A.NO.1342/96

Copy to:

1. The Senior Divisional Personnel Officer,
South Central Railway, Vijayawada Division,
Vijayawada, Krishna District.
2. The Divisional Railway Manager,
South Central Railway, Vijayawada Division,
Vijayawada, Krishna District.
3. The General Manager,
South Central Railway,
Railnilayam,
Secunderabad.
4. One copy to Mr. B. Narasimha Rao, SC for Railways,
CAT, Hyderabad.
5. One copy to Library, CAT, Hyderabad.
6. One duplicate copy.

7. one copy to Mr. J. N. Gopal Rao, Secy.

YLKR

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THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

The Hon'ble ^{Ep} Shri B.S. Jai Parameswaran
M (J)

DATED: 18/11/96

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

in

O.A.NO. 1342/96

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED
DISPOSED OF WITH DIRECTIONS
DISMISSED
DISMISSED AS WITHDRAWN
ORDERED/REJECTED
NO ORDER AS TO COSTS.

YLKR

II COURT

No Spare Copy

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
निवेदन/DESPATCH
18 DEC 1996
हैदराबाद न्यायपीठ
HYDERABAD BENCH