

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

\*\*\*

O.A.1090/96.

Dt. of Decision : 12-9-96.

K.V. Jagannadha Rao

.. Applicant.

Vs

1. The Divl.Railway Manager,  
Vijayawada Division,  
SC Rly, Vijayawada.
2. The General Manager,  
SC Rly, Rail Nilayam,  
Secunderabad.
3. The Railway Board Rep. by  
its Member Secretary,  
Rail Bhavan, New Delhi.

.. Respondents.

Counsel for the Applicant : Mr. K.S. Murthy

Counsel for the Respondents: Mr. J.R.Gopal Rao, SC for Rlys.

CORAM:

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

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ORDER

Oral Order (Per Hon'ble Shri R.Rangarajan, Member (Admn.)

Heard Mr. K.S.Murthy, learned counsel for the applicant. Name for the respondents.

2. The applicant while working as Sr.Clerk was punished by reverting him for certain omission on his part to a lower post of Junior Clerk and on appeal the punishment was modified as reversion to the post of Junior Clerk from 1-2-77 for a period of 5 years without loss of seniority and the period of reduction will count for future increments on restoration as Sr.Clerk in the scale of pay of Rs. 330-560/-.. The applicant after the completion of the punishment was promoted as Sr. Clerk on 1-2-82. On the same day he was also promoted as Head Clerk as can be seen from the Annexure-A-II of the OA. The applicant contends that he is entitled for the special pay of Rs.35/- as Senior Clerk and on that basis his pay fixation as Head Clerk should have been done when he was promoted as a Head Clerk. It is reported that he has represented his case for the above fixation. But that was not replied. The applicant retired from service on 31-3-1994.

3. This OA is filed praying for a direction to the respondents to grant special pay to the applicant from 1-2-82 to 1985 on preferma basis and to fix the pay in the grade of Head Clerk consequently in the higher grade of Chief Clerk and OS.Grade-I in terms of Board's letter dated 2-8-89 and for a consequential direction to revise his pension and other pensionary benefits on that basis.

4. The main contention of the applicant is that he was restored as Sr.Clerk without loss of seniority. Hence, he is entitled for the special pay of Rs.35/- as Sr.Clerk when his position was restored on 1-2-82. The administration failed to pay him the special pay on his restoration as Sr.Clerk.

5. It is evident that the applicant has not discharged the complex nature of duties entrusted to the Sr.Clerk to get the special pay of Rs.35/-. He has been punished for the omission committed by him. Hence the administration is no way responsible for ~~his in~~ reduction ~~status~~ as Junier Clerk. When he had not worked even for a single day performing the complex nature of duties entrusted to the Sr.Clerk, he cannot claim the special pay even if his juniors ~~were~~ given the special pay who discharged the ~~complex~~ duties of the Sr.Clerk. The above is in consonance with the judgement of the Apex Court reported in SC 1996 (1) SLR 773 (The Chief Commissioner of Income Tax Vs. V.K.Gururaj and Ors).

6. In the result, the OA is dismissed as having no merits at the admission stage itself. No costs.

(R. RANGARAJAN)  
MEMBER (ADMN.)

Dated : The 12th Sep. 1996.  
(Dictated in Open Court)

Anu  
1996  
D.R. (J)

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O.A.NO.1090/96

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Vijayawada Division,  
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Secunderabad.
3. The Member Secretary,  
Rail Bhawan,  
New Delhi.
4. One copy to Mr.K.S.Murthy, Advocate,  
CAT, Hyderabad.
5. One copy to Mr.J.R.Gopal Rao, SC for Railways,  
CAT, Hyderabad.
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THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

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

DATED: 12/9/96

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

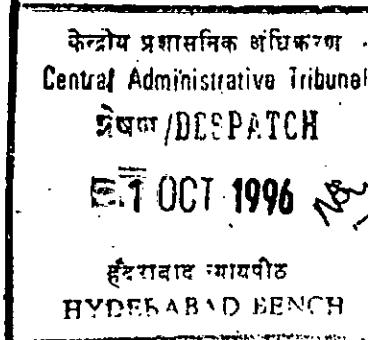
in  
O.A. NO. 1090/96

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

YLR

II COURT

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