

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

C.A.1375/96.

Dt. of Decision: 30-12-96.

V.Narasimha Rao

.. Applicant.

Vs

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

.. Respondents.

Counsel for the Applicant : Miss Sarada for
Mr.P.Krishna Reddy

Counsel for the Respondents : Mr.K.Siva Reddy for
Mr.D.F.Paul, SC for Rlys.

CORAM:

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

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

ORDER

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

Heard Miss Sarada for Mr.P.Krishna Reddy, learned counsel for the applicant and Mr.K.Siva Reddy for Mr.H.F.Paul, learned counsel for the respondents.

2. The applicant in this OA while working as Electrical Signal Maintainer in the scale of pay of Rs.330-480/Rs.1200-1800/- (RSRP) underwent family planning operation. He applied for change of cadre as Junior Clerk in the scale of pay of Rs.950-1500/-. It is stated that as an incentive for undergoing the family planning operation he was informed that his request for change of cadre ^{would} ~~will~~ be agreed to. Accordingly, after he underwent the family planning operation he was given the change of cadre and posted as Junior Clerk on 15-11-94 under Sr.DSTE/M/O/BZA.


3. While he was working as ESM in the scale of pay of Rs.1200-1800/- he was drawing basic pay of Rs. 1600/- at the time of his change of category as Junior Clerk. But when he joined as junior clerk his pay was fixed at the stage of Rs.1250/- in the scale of pay of Rs.950-1500/- without protecting his pay which he was drawing at the ~~at~~ time of his relief from the post of Electrical Signal Maintainer. Hence, he submitted a representation dated 26-06-95 (Annexure-II, page-6 of the OA) for protecting his pay at the maximum of the scale of pay of Rs.950-1500/- i.e., at the stage of Rs.1500/- according to the provisions of Rule 1313 (3) III of I.R.E.C. Vol.II. It is stated that the above representation is still to be disposed of.


4. This OA is filed praying for a direction to the respondents to fix his pay at the stage of Rs.1500/- in the scale of pay of Rs.950/1500/- when he joined as Junior Clerk in the office of the Sr.D.S.T.E./M/BZA on 15-11-94 and for consequential ~~fixation~~ benefits such as arrears etc., When a representation is pending, we have disposed of similar cases directing the respondents to dispose of that representation in accordance with law. We do not consider it a fit case to make a departure from the direction already adopted in similar cases. Hence a direction on the above lines is considered as appropriate.

5. In the result, the OA is disposed of ^{by} directing R-2 to dispose of his representation dated 26-6-95 (Annexure-II) in accordance with rules taking due note of the earlier decision given in this connection by this Tribunal. If the applicant is going to get a favourable reply to his representation then he is entitled for arrears only one year prior to filing of this OA i.e., from 26-11-95 (This OA was filed on 26-11-96).

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

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


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)
30/12/96


(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 30th December 1996.
(Dictated in the Open Court)

spr


D.R. (J)

1.4.11

D.A.NO.1375/96

Copy to:

1. The General Manager, South Central Railway,
Railnilayam, Secunderabad.
2. The Divisional Railway Manager, South Central Railway,
Wijayawada.
3. The Senior Divisional Personnel Officer,
South Central Railway, Wijayawada.
4. One copy to Mr.P.Krishna Reddy, Advocate,CAT,Hyderabad.
5. One copy to Mr.D.F.Paul, SC for Railways, CAT,Hyderabad.
6. One copy to Library,CAT,Hyderabad.
7. One duplicate copy.

YLKR

23/1/97

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THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

The Hon'ble Shri S. Jai Parameswarar

DATED: 30.12.96

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

in

O.A.NO. 1375/96

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED.

NO ORDER AS TO COSTS.

YLKRA

A/w 1375/96
II COURT

20/1/97
whereas the
Order is not 2

