

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD BE

ORIGINAL APPLICATION NO.1219/96

DATE OF ORDER : 22-10-1996.

Between :-

B.Krishna Mohan

... Applicant

And

1. Sr.Divisional Personnel Officer,
S.C.Rlys, Vijayawada Division,
Vijayawada, Krishna (Dist).
2. Divisional Railway Manager,
S.C.Rly, Vijayawada Division,
Vijayawada, Krishna (Dist).
3. General Manager, S.C.Rlys.,
Rail Nilayam, Sec'bad.

... Respondents

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Counsel for the Applicant : Shri M.C.Jacob

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

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CORAM:

THE HON'BLE JUSTICE SHRI M.G.CHAUDHARI : VICE-CHAIRMAN

THE HON'BLE SHRI H.RAJENDRA PRASAD : MEMBER (A) *8/11/96*

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... 2.

(Order per Hon'ble Justice Shri M.G.Chaudhari, Vice-Chairman).

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Counsel for the applicant absent. Shri Krishna Mohan for Shri J.R.Gopal Rao, standing counsel for the Respondents. Although counsel for the applicant is not present we think it unnecessary to adjourn the case as it can be disposed of straight away. The respondents have already appeared. The counsel for the respondents submits that the representation of the applicant/ is still pending and ~~it~~ it may be left open to the respondents to dispose of the same. We are not satisfied with this submission as nearly six months ^{are} over from the date of filing of the representation and it could have been disposed of ^{earlier} by the respondents. The ~~are~~ respondents ^{are clearly wanting to pass} ~~clearly passing~~ on the burden on the Tribunal instead of fairly acting on the ^{earlier} ~~decisions~~ of the Tribunal which clearly covers the case. Hence taking recourse to the Rule-15(1) of the CAT (Procedure) Rules, we proceed to dispose of this application finally.

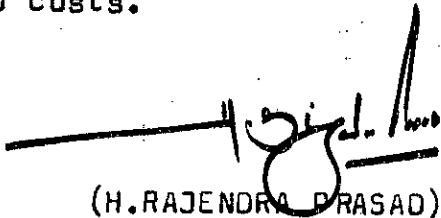
2. The applicant who was working as Asst. Station Master in the grade of Rs.1400-2300 in Guntakal Division of S.C.Railway was transferred at his own request to Vijayawada Division on 26-3-96 and as per the rules has been placed in the lower grade of Rs.1200-2040. The respondents appear to have fixed his pay on transfer in the aforesaid grade at Rs.1410/- pm. The applicant claims that the pay which he was drawing on the date of transfer in the higher grade of Rs.1400-2300 ^{which} was Rs.1560/- should be protected and his pay should be fixed even in the lower scale at Rs.1560/- instead of Rs.1410/-.


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3. This question has been examined and decided by this Bench in OA 1252/94 decided on 14-11-94 copy of which is at Annexure A-IV. It has been held that in case of inter divisional transfer of this nature the pay of the officer is required to be protected by virtue of para-1313 (a)(iii) of the Railway Establishment Code. Direction of that nature was given in that case. With respect we agree with the view taken and in our opinion the respondents ought not to have driven the applicant for taking action in consonance with the above decision. In the result, the following order is passed :-

"The Respondents are directed to fix the pay of the applicant at Rs.1560/- pm in the time scale of Rs.1200-2040 on the date of his transfer to the Vijayawada Division stated to be effected on 26-3-96 and pay him the arrears accrued up to the date immediately."

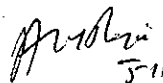
4. The O.A. is allowed in aforesaid terms. No order as to costs.


(H. RAJENDRA PRASAD)
Member (A)


(M. G. CHAUDHARI)
Vice-Chairman

Dated: 22nd October, 1996.
Dictated in Open Court.

avl/


5-11-96.
Deputy Registrar (DCC)

O.A.1219/96.

To

1. The Sr.Divisional Personnel Officer,
SC Rlys, Vijayawada Division,
Vijayawada, Krishna Dist.
2. The Divisional Railway Manager,
SC Rly, Vijayawada Division,
Vijayawada, Krishna Dist.
3. The General Manager, SC Rlys.
Railnilayam, Secunderabad.
4. One copy to Mr.M.C.Jacob, Advocate, CAT.Hyd.
5. One copy to Mr.J.R.Gopal Rao, SC for Rlys, CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. Onespare copy.

pvm.

19/11/96

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I COURT

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COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE M.G. CHAUDHARI
VICE-CHAIRMAN

AND

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

Dated: 22-10-1996

ORDER / JUDGMENT

M.A/R.A./C.A. No.

in

O.A.No. 1219/96

T.A.No. (w.p.)

Admitted and Interim Directions
Issued.

Allowed.

Disposed of with directions

Dismissed

Dismissed as withdrawn.

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
आदेश / DESPATCH
18 NOV 1996
हैदराबाद न्यायपीठ
HYDERABAD BENCH