

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL::HYDERABAD BENCH
AT HYDERABAD

O.A.No. 1252/94

Date of decision: 14-11-1994.

1. K. Venkateswaralu |
2. Fazalullah Sahib |
3. B. Ramachandradu |
4. C. Ranganayakalu |
 ... | Applicants
 Vs |

vs

1. Divisional Personnel Officer,
S.C.Rly, Guntakal.
2. Divisional Railway Manager,
S.C.Rly, Guntakal.
3. General Manager,
S.C. Rly, Rail Nilayam,
Secunderabad

Counsel for the applicants : Mr. V. Rama Rao

Counsel for the Respondents : Mr. D. Gopala Rao,
S.C. for Rlys.

CORAM

The Hon'ble Shri Justice V. Neeladri Rao : Vice Chairman

The Hon'ble Shri. Rangarajan, Member (Admn.)

ORDER

(As per Hon'ble Justice Shri V. Neeladri Rao, Vice Chairman)

Heard Sri. V. Rama Rao, learned counsel for the applicants and Shri. D. Gopal Rao, Learned counsel for the respondents.

2. When these applicants were working in the Hubli Division in the pay scale of Rs.1400-2300, they sought transfer from Hubli Division to Guntakal division. As they were not entitled for transfer in the pay scale of Rs.1400-2300 they were transferred to Guntakal Division in the pay scale of 1200-2040. But on transfer to Guntakal Division their pay was not protected. Hence this O.A. was filed seeking direction to the respondent to fix their pay in terms of para 1313 (a) (iii) of the Railway Establishment code, by protecting their pay as on the respective dates of their

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interdivisional transfers from Hubli Division to Guntakal Division. It is submitted for the respondents that the pay of these applicants was fixed at the maximum of the pay scale of Rs.1200-2040.

3. para 1313 (a) (iii) of the Railway Establishment code is applicable in case of inter-divisional transfers when such request transfers have to be made on reversion while the request for transfer cannot be entertained in the scale in which they are working. Para 1313 (a) (iii) of the Railway Establishment Code lays down that the pay of the officer has to be protected in such a case. As the pay of the applicants are not protected, it is a case where a direction has to be given to the respondents for fixing the pay of the applicants in accordance with para 1313 (a) (iii) of the Railway Establishment Code.

4. In the result, the O.A. is allowed at the admission stage directing the respondents to fix the pay of the applicants at protecting their pay in accordance with para 1313(a)(iii) of the Railway Establishment Code. On that basis the arrears due to the applicants have to be paid. The time for compliance is by the end of February, 1995, There is no order as to cost.

Sd/-

Certified by Court Officer,
Dt. 17-11-94.

Central Administrative Tribunal,
Hyderabad Bench,
Hyderabad.

Y
Neeraj
True copy //
Court Clerk
17-11-94

(90)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDDEBADD BENCH HYDDEBADD
M.A. NO.834/96 in O.A. No. 3006/96

Between:

Dt. of Order: 18.9.96

I. John Victor Bob

Applicant

And

1. Senior Divisional Personnel Officer,
South Central Railway,
Vijayawada Division,
Vijayawada, Krishna District.
2. Divisional Railway Manager,
South Central Railway, Vijayawada Division,
Vijayawada, Krishna District.
3. The General Manager, South Central Railway,
Railnilayam, Secunderabad.

Respondents.

Counsel for the applicant : Mr. M.C. Jacob

Counsel for the respondents : Mr. V. Bhimanna

CORAM:

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

THE TRIBUNAL MADE THE FOLLOWING ORDER:

Heard Mr. M.C. Jacob for the applicant and Mr. S. Murthy for Mr. V. Bhimanna, for the respondents.

This MA is for condoning the delay of 3385 days in filing this OA. As it is a case of continuing cause of action the MA is allowed subject to the condition that in case the applicant succeeds in this OA, he is entitled for arrears only from one year prior to filing of the OA, in view of the procedure followed in this Tribunal. The MA is ordered accordingly subject to the condition as above.

Prashant
DEPUTY REGISTRAR (J)

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M.A.NO.834/96 in O.A.SR.NO.3006/96

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.M.C.Jacob, Advocate,
CAT, Hyderabad.
5. One copy to Mr.B.Bhimanna, Addl.CGSC,
CAT, Hyderabad.
6. One copy to Library, CAT, Hyderabad.
7. One duplicate copy.

YLKR

MR 834/96
O.M.R. 3006/96 3/10/96

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Compared by

Checked By
Approved by

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED: 18/9/96

ORDER/JUDGEMENT

R.A/C.P./M.A. NO. 834/96

in
O.A. NO. 3006/96

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

YLKR

II COURT

केन्द्रीय प्रशासनिक अधिकार सभा
Central Administrative Tribunal
DESPATCH
- 1 OCT 1996
हैदराबाद व्यायामीठ
HYDERABAD BENCH