

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.1156/96

DATE OF ORDER : 05-06-1997.

Between :-

Modh.Afzal

.. Applicant

And

1. Union of India,
Rep. by General Manager,
S.C.Railway, Sec'bad.
2. The Divisional Railway Manager,
S.C.R., Sec'bad.

.. Respondents

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Counsel for the Applicant : Shri P.Ramaswamy

Counsel for the Respondents : Shri D.Francis Paul, SC for Riys

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CORAM:

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

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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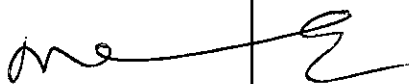
None for the applicant. Heard Shri D.F.Paul, standing counsel for the respondents.

2. The applicant in this O.A. was appointed as Khalasi in Lallaguda, Locofoemen office, on 1-12-72. Thereafter he was transferred to Locofoemen office, Kasipet, SC Railway BG and promoted to Grade-II painter in the scale of Rs.1200-1800. Due to the closure of Locofoemen ^{shed at} Kazipet, alternative appointment was offered to the applicant. The applicant was selected to the post of Ticket Collector in the scale of pay of Rs.950-1500 and he was trained at Zonal Training School, Moulali, Hyderabad from 27-6-90 to 23-8-90. After successful completion of the training, he was posted as a Ticket Collecotr in terms of order No.CP/529/2/1200 dt.24-6-94 (Annexure-3 to OA) and was posted ~~to~~ in Sec'bad. It is stated for the applicant that at the time of his posting as Ticket Collector ~~fixing~~ ^{fixed} his pay ~~was~~ at the stage of Rs.1110/- pm in the scale of pay of Rs.950-1500. His pay as a Painter in the scale of Rs.1200-1800 was Rs.1290/- pm. Hence he requested for protecting his pay at the stage of Rs.1290/- in the scale of pay of Rs.950-1500. He relies on the rule 1313(3)II and Railway Board's letter No.1/80/CWS/2 dt.20-1-89 for getting the above relief. It is stated that his pay was not protected.

3. This O.A. is filed praying for a direction to the respondents to protect his pay at the stage of Rs.1290/- with effect from 24-6-94 when he joined as a Ticket Collector in the scale of pay of Rs.950-1500. In a similar case in DA 1400/94 decided on 12-10-95 (Sri P.Iyalalaiah Vs. Union of India & another) the Tribunal has

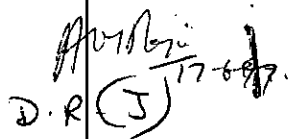
directed for protection of pay when the applicant in that DA was posted as a Ticket Collector. That DA was disposed of on the basis of the earlier case viz., DA 95/94. In view of the fact that this case is covered by two earlier cases, I see no reason to differ from the judgement given in earlier cases. // The applicant filed this O.A. on 3-4-96 whereas he was posted as Ticket Collector on 24-6-94. Hence it has to be held that the applicant has approached this Tribunal belatedly. Hence he is entitled for arrears on the basis of his pay protection only from one year prior to filing of this O.A. (This DA ^{was} ~~is~~ filed on 3.4.96). // In the result, I direct the respondents to give the notional pay protection to the applicant at Rs.1290/- ^{p.m} which he was drawing as Painter Gr.II at the time of his posting as Ticket Collector in the fixation of the pay as Ticket Collector treating the difference in the pay drawn as painter Gr.II and as Ticket Collector as Personal pay to him till it is adjusted in future increments. The applicant is entitled for actual arrears only from 3-4-95. I make it clear that the applicant is not entitled to the same payscale of the skilled Painter Gr.II while working as Ticket Collector and he will be governed only by the pay scale of Ticket Collector.

4. The O.A. is ordered accordingly. No costs.


 (R. RANGARAJAN)
 Member (A)

Dated: 5th June, 1997.
 Dictated in Open Court.

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 D.R. (J) 17-6-97

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Copy to:

1. The General Manager, South Central Railway, Secunderabad.
2. The Divisional Railway Manager, South Central Railway, Secunderabad.
3. One copy to Mr. P. Ramaswamy, Advocate, CAT, Hyderabad.
4. One copy to Mr. D. Francis Paul, SC for Railways, CAT, Hyd.
5. One copy to D.R(A), CAT, Hyderabad.
6. One duplicate copy.

YLKR

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7/7/97

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TYPED BY
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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR: M
(J)

DATED: 5/6/97

ORDER/JUDGEMENT

M.A./R.A/C.A.NO.

in

O.A.NO. 1156/96

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions,

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

YLKR

II Court.

<p>केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal श्रेण/DESPATCH 23 JUN 1997 हैदराबाद न्यायपीठ HYDRABAD BENCH</p>
