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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.1221/96

DATE OF ORDER : 22-10-96.

Between :-

V.Manikyam

... Applicant

And

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

... Respondents

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Counsel for the Applicant : Shri M.C.Jacob

Counsel for the Respondents : Shri K.Siva Reddy, SC for Rlys

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CORAM:

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

THE HON'BLE SHRI H.RAJENDRA PRASAD : MEMBER (A)

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... 2.

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

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(VA)

Counsel for the applicant absent. Shri C.V.Malla Reddy holding for Shri K.Siva Reddy, standing counsel for the respondents. Although counsel for the applicant absent 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 dt.24-4-96 is still pending and 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 respondents are clearly wanting to pass on the burden on the Tribunal instead of fairly acting on the earlier decision of the Tribunal which clearly covers the case. Hence taking recourse to Rule-15(1) of the CAT (Procedure) Rules, we proceed to dispose of this application finally.

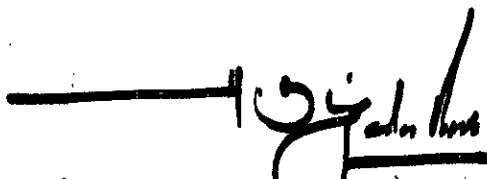
2. The applicant who was working as Asst. Station Master in the grade of Rs.1400-2300 in Guntakal Division of S.C.Railway was transferred at his own request to Vijayawada Division on 26-3-96 and as per the rules has been placed in the lower grade of Rs.1200-2040. The respondents appear to have fixed 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."

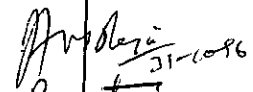
4. The O.A. is allowed in aforesaid terms. No order as to costs.


(H. RAJENDRA PRASAD)
Member (A)


(M.G. CHAUDHARI)
Vice-Chairman

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

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Deputy Registrar (S) CC.