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In the Central Administrative Tribunal; Hyderabad Bench
At Hyderabad

OA.209/96

dt.11-8-98

Between

1. Md. Abdul Mazeed
2. Bathula Srinivasa Rao
3. N. Taviti Naidu
4. K. Venkateswara Rao
5. E. Babu Reddy

: Applicants

and

1. Union of India,
rep. by Joint Director
Establishment(N)
Min. of Railways
Railway Board
New Delhi

2. The General Manager
SC Rly., Rail Nilayam
Secunderabad

3. The Chief Personnel Officer
SC Rly, Rail Nilayam
Secunderabad

4. Dy. Chief Mechanical Engr.
Carriage Repair Shop
SC Rly., Thirupathi

5. Workshop Personnel Officer
Carriage Repair Shop
SC Rly, Tirupathi

: Respondents

Counsel for the applicants

: S. Ramakrishna Rao
Advocate

Counsel for the respondents

: C.V. Malla Reddy
SC for Railways

Coram

Hon. Mr. R. Rangarajan, Member(Admn.)

Hon. Mr. B.S. Jai Parameshwar, Member(Jddl.)

Order

Oral order (per Hon. Mr. B.S. Jai Parameshwar, Member(Judl))

Heard Sri S. Ramakrishna Rao for the applicant and Sri C.V. Malla Reddy for the respondents.

1. The respondents have not filed any reply in this OA.
2. There are five applicants in this OA. They joined the Railway Administration on 2-7-1984, 3-7-1984 and 13-1-1971 respectively and were working in Group-C posts. The Railway administration introduced an incentive scheme to Group-C staff with effect from 20-6-1966 vide letter No.E(NG)64 RC.I/25 dated 14-5-1966. The scheme provided grant of incentives to Class-III Railway employees for acquiring higher or additional scientific/Technical/accounts qualification, cash awards and additional increments. It is submitted that this benefit was extended from time to time till 31-12-1987 and it expired on 30-6-1988.
3. Thereafter the new scheme was introduced by the Railway Ministry vide letter No.E(NG)I/87/IC.2/I dated 29-5-1989.
4. The applicants submit that if they pass the Part 'A' and 'B' of the AMIE Examination they are eligible for getting incentives, as per the scheme introduced by letter dated 29-5-1989 even if they have passed the examination earlier to 13-6-1988. The denial of the incentive to the applicants as per the letter dated 29-5-1989 is arbitrary and illegal.
5. This OA is filed praying for a direction to the respondents to grant them the benefits as envisaged in the scheme introduced by the Railway Board vide letter dated 29-5-1989 irrespective of the year of acquiring additional

qualification by the applicants with all consequential monetary benefits.

6. The applicants in this OA rely on the order of this Tribunal in OA.672/94 decided on 25-6-1995 to sustain their case. The order in OA.672/94 was delivered following the order in OA.1013/90 on the file of the Madras Bench of this Tribunal.

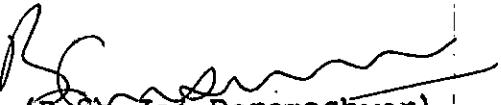
7. In that OA the applicants therein had passed the AMIE Part-I and II examinations between 1-7-1988 and 29-5-89 when the revised incentive scheme was promulgated by the Railway Board. But the Railways had refused to grant them the benefits according to the revised scheme dated 29-5-1989 and the Railway Board had held that the scheme would be operative only from 29-5-1989 when that letter introducing that scheme was issued.

8. In that context the Madras Bench of this Tribunal had held that between 1-7-1988 and 29-5-1989 there was no scheme as the earlier scheme had expired on 13-6-1988 and the new scheme was introduced by letter dated 29-5-1989.

9. Thus the vacuum between 1-7-1988 and 29-5-1989 has to be filled. That vacuum was filled by the Madras Bench of this Tribunal by observing that the new scheme ³⁰ have to be given with retrospective effect from 1-7-1988 when the old scheme had become inoperative. Then we meant that those who had acquired qualifications on or after 1-7-1988 will be governed by the new scheme. Those who acquired higher qualifications would be governed by the earlier scheme with effect from 1-7-1988 without modification of the scheme during the interregnum period.

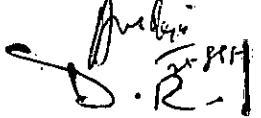
10. In view of what is stated above, the applicants may not be entitled to get the incentive as per the new scheme to get the incentive only under the old scheme issued in the year 1966.

11. In view of what is stated above we find no merit in this OA. The OA is dismissed. No costs.


(B.S. Jai Parameshwar)
Member (Judl.)

11.8.98


(R. Rangarajan)
Member (Admn.)


Dated : August 11, 98
Dictated in Open Court

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DA.209/98

Copy to:-

1. The Joint Director, Establishment (N), Min. of Railways, Railway Board, New Delhi.
2. The General Manager, South Central Railway, Rail Nilayam, Secunderabad.
3. The Chief Personnel Officer, SC Rly, Rail nilayam, Secunderabad.
4. The Dy. Chief Mechanical Engr, Carriage Repair Shop, SC Rly., Thirupathi.
5. The Workshop Personnel Officer, Carriage Repair Shop, SC Rly, Tirupathi.
6. One copy to Mr. S. Ramakrishna Rao, Advocate, CAT., Hyd.
7. One copy to Mr. C.V. Malla Reddy, Addl. GSC., CAT., Hyd.
8. One copy to BSJP M(J), CAT., Hyd.
9. One copy to D.R.(A), CAT., Hyd.
10. One duplicate copy.

SRR

7/9/98
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II COURT

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 11/8/98

ORDER/JUDGMENT

M.A/R.A/C.P.10

in.
C.A. NO. 209/98

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

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal
प्रेषण / DESPATCH

- 7 SEP 1998

हैदराबाद आवृत्ति
HYDERABAD BENCH