

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 21/96.

Dt. of Decision : 20-08-96.

Y. Bhaskar

.. Applicant.

Vs

1. The Divl. Railway Manager,
SC Rly, Vijayawada.
2. The Sr. Divl. Personnel Officer,
SC Rly, Vijayawada.

.. Respondents.

Counsel for the Applicant : Mr. P. Krishna Reddy

Counsel for the Respondents : Mr. D. Francis Paul, SC for Rlys.

CORAM:

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

ORDER

Oral Order (As Per Hon'ble Shri R.Rangarajan, Member (Admn.))

Heard Mr. P.Krishna Reddy, learned counsel for the applicant.

2. The applicant in this OA was engaged as Commission Bearer in VRR/Gudur on 17-5-77. It is stated that the applicant was screened on 12-12-78 and a list of 26 commission bearers were included in the screened list. By order dated 1-7-81, 9 out of the list of 20 were absorbed on seniority basis. But the rest of the remaining commission bearers were not engaged. The applicant filed OA.No.170/88 on the file of this Bench, which was disposed of by order dated 10-07-90. The operative portion of the judgement reads as below:-

"We direct that the applicants 1 and 2 herein should be absorbed after due screening as per procedure, from the date their services were utilised as bearers in preference to those who were appointed as bearers subsequent to that date. Similarly, the 3rd applicant would also be entitled to reckon his seniority from the date his services were utilised as bearers subsequent to his reappointment in the year 1981. Time for implementation of the order - six months".

3. In pursuance of the above direction it is now stated that the applicant was absorbed as a bearer in catering department of Vijayawada Division vide order No.B/P.407/I/BR/Screening dated 5-6-92 (Annexure-III). This order does not talk of their fixation of pay in that grade. The applicant now submits that in terms of the direction given in OA.170/88 he is eligible for fixation of his pay as a Class-IV employee from 17-5-77 and the difference of salary of Class-IV from 17-5-77 and commission earned by him from that date should be paid to him till he was absorbed as a regular Class-IV employee on 5-6-92. He had represented his case but that representation does not indicate ^{that} he had made a pointed request for payment of arrears arising out of the salary as Class-IV employee from 17-5-77 deducting the commission he earned as commission vender. He was informed by the letter No.

(166)

B/P.407/I/RR/Screening/Vol.II dated 28-8-95 (Annexure-I) that the CAT has not directed the railway administration to absorb him in railway service from a retrospective effect. But in the same letter it is stated that he was absorbed as a Server after due screening reckoning his service from 17-5-77, & the date from which his services were continuously utilised as bearer. The above statement in this letter appear to be contradictory. The relevant portion of the letter which is considered to be contradictory is reproduced below:-

"You were absorbed as a Server after due screening duly reckoning your service from 17-5-77, the date from which your services were continuously utilised as bearer. The CAT has not directed the Railway Administration to absorb you in Railway service from a retrospective date".

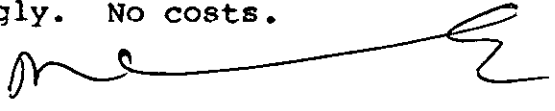
4. In view of the above a clear cut clarification is necessary in this connection from the respondents. The applicant should be informed of the decision of the respondents in regard to his prayer in this OA which reads as below:-

"To direct the respondents to pay the applicant arrears of salary i.e., difference between the Commission earned by the applicant as Commission Bearer and salary of Class-IV employee from 17-5-77 to 5-6-92 when he joined as regular Class-IV employee of the respondents."

The applicant may also file an additional representation to R-1 if he desires so to take a judicious decision by the concerned respondents.

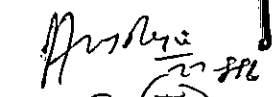
5. In view of the foregoing, R-1 should clarify his stand clearly to the applicant in this connection and in case the applicant is going to be aggrieved by the clarification given by R-1 he is at liberty to approach this Tribunal in accordance with rules.

6. The OA is ordered accordingly. No costs.


(R. Rangarajan)
Member (Admn.)

Dated : The 20th August 1996.
(Dictated in Open Court)

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D.R. (3)

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O.A.NO.21/96

Copy to:

1. The Divisional Railway Manager,
South Central Railway,
Vijayawada.
2. The Senior Divisional Personnel Officer,
South Central Railway,
Vijayawada.
3. One copy to Mr.P.Krishna Reddy, Advocate,
CAT, Hyderabad.
4. One copy to Mr.D.Francis Paul, SC for Railways,
CAT, Hyderabad.
5. One copy to Mibrary, CAT, Hyderabad.
6. One duplicate copy.

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THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED: 20/8/86

ORDER JUDGEMENT
R.A./C.P./M.A.NO.

in

O.A.NO. 21/86

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

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II COURT

NO Spare copy

Central Admin.