

(21)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.495/96

Date of Order: 22.4.96

BETWEEN:

M.V.Srinivasaappa Rao

.. Applicant.

A N D

1. Senior Divisional Personnel Officer, S.C.Rly., Vijayawada Division, Vijayawada, Krishna District.
2. Divisional Officer, S.C.Rly., Vijayawada Division, Vijayawada, Krishna Dist.
3. General Manager, S.C.Rly., Rail Nilayam, Secunderabad.

.. Respondents.

Counsel for the Applicant

.. B.Narasimha Sarma

Counsel for the Respondents

.. Mr.V.Bhimanna

CORAM:

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

JUDGEMENT

{ As per Hon'ble Shri R. Rangarajan, Member (Admn.) }

The applicant in this OA was recruited as Assistant Station Master in Guntakal Division of South Central Railway on 19.5.86 in the grade of 1200-2040. Subsequently he was promoted as ASM (in) the Gr. of Rs.1400-2300 in Guntakal in terms of the office order dated 30.4.89 (A-1). The applicant asked for request transfer to go to Vijayawada division of S.C.Rly. accepting bottom seniority in the recruitment grade by his request application dated 26.7.89. That request was accepted and he was posted as ASM in the grade of 1200-2040 in Vijayawada division and joined at ^{Vijayawada} Guntakal Division as ASM in the grade 1200-2040 accepting the bottom seniority. While he was relieved from Guntakal division he was drawing the pay of Rs.1400/- in

the grade of Rs.1400-2300. When he joined Vijayawada Division in the grade of Rs.1200-2040 his pay was fixed at the stage of Rs.1260/- in the scale of pay of Rs.1200-2040 w.e.f. 20.7.89 (A-3 of the OA).

2. The applicant submitted a representation dated 12.2.95 (A-6) for protecting his pay in the grade of Rs.1200-2040 by fixing his pay at the stage of Rs.1380/- in the scale of Rs.1200-2040 and granting him special pay of Rs.20/- so that his pay will be at Rs.1400/- which he ^{was drawing} joined at Guntakal Division ~~will be protected~~. It is stated that this representation was not replied.

3. Aggrieved by the above he has filed this OA for fixing his pay in accordance with the Rule 1313 of I.R.E.C. Vol-II when he joined Vijayawada Division as was done in the case of applicants in OA.1252/94 decided on 14.11.94 on the file of this Bench with all consequential benefits after setting aside the pay fixation as ordered in terms ^{of} letter No.B/P.487/VI/ASMs. dated 12.4.90 (A-3).

4. The applicant relies on the provisions of Para 1313 of the IREC. He submits that as per this para his pay has to be protected when he joined Vijayawada Division in the grade of Rs.1200-2040 (RSRP). He also relies on the judgement of this Tribunal in OA.1252/94 decided on 14.11.94. In that OA also the applicant ^{requested to transfer from} ~~request is to~~ Guntakal Division from Hubli. When their pay was ~~also~~ not protected by the Guntakal division they approached this Tribunal for protecting their pay in terms of the above said para in IREC. That OA was allowed directing the respondents therein to fix the pay of the applicants in the OA in accordance with para 1313 (a)(iii) of the Indian Railway Establishment Code.

.. 3 ..

5. As the representation of the applicant dated 12.2.95 (A-6) is not disposed ^{yet} of the following direction is given. - The respondents should dispose of the representation of the applicant at A-6 taking due note of the disposal of the OA.1252/94 on the file of this Bench in a similar case and also following the rules as incorporated in IREC Vol-II. Time for compliance is 4 months from the date of receipt of a copy of this order.

6.

6. Q.A. is ordered accordingly at the admission stage itself. No costs.

[Signature]

(R.RANGARAJAN)
Member (Admn.)

Dated: 22nd April, 1996

(Dictated in Open Court)

sd

[Signature]
Dy. Registrar (J)

Contd....

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D.A.NO.495/96

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.B.Narasimha Sarma, Advocate,
CAT,Hyderabad.
5. One copy to Mr.V.Bhimanna, Addl.CGSC,CAT, Hyderabad.
6. One copy to Library,CAT, Hyderabad.
7. One duplicate copy.

YLKR

Q 1578
TYPED BY
COMPARED BY

04/9/76
CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED: 22.4.96

ORDER/JUDGEMENT

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

IN

B.A.NO. 495/76

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDERS AS TO COSTS

No Spare Copy

