

(15)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.605/96

Date of Order: 13.9.96

BETWEEN :

Syed Hussain

.. Applicant.

AND

1. Divisional Railway Manager, S.C.R.,
Hyderabad (MG) Division, at Secunderabad.

2. Senior Divisional Personnel Officer
S.C.R., Hyderabad (MG) division
at Secunderabad.

3. Divisional Commercial Manager, S.C.R.,
Hyderabad (MG) division, at Secunderabad.

4. Senior Divisional Mechanical Engineer,
(Loco) S.C.R., Hyderabad (MG) division,
at Secunderabad. .. Respondents.

Counsel for the Applicant .. Mr. S. Lakshma Reddy

Counsel for the Respondents .. Mr. N.R. Devraj

CORAM:

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

J U D G E M E N T

X Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) X

Heard Mr. P. M. Srinivasa Rao for Mr. S. Lakshma Reddy, learned counsel for the applicant and Mr. N.R. Devraj, learned standing counsel for the respondents.

2. The applicant in this OA was appointed as Y.K.C. on 20.3.71. Thereafter he progressed in his career and w.e.f. 1.1.84 he was promoted as Fireman "A" in the pre-revised scale of Rs. 290-350. On periodical medical examination conducted during 1986 he was declared ~~as~~ medically unfit for A-1 category and fit for C-1 category with ~~glasses~~ and a medical certificate was issued to that effect on 24.6.86 by the senior D.M. (S)

He was later absorbed as Coach Attendant on his medical deategorisation w.e.f. 28.8.87 under S.S./Purna. It is stated that the applicant was drawing a basic pay of Rs.1300/- as Fireman "A". On his absorption as Coach Attendant in the scale of pay of Rs.800-1150 his pay was fixed at Rs.1150/-. Later two stagnation increments were given to him and his pay was increased to Rs.1190/-. It is stated that 30% of the running allowance was not added to his pay in terms of para 1309 (iv) read with 1313 (2)(b) of I.R.E.M. at the time he joined as Coach Attendant. Hence he filed a representation dated 8.1.96 (A-1). The applicant submits that the respondents made him to understand that he cannot get the pay morethan the maximum of the pay scale in which he is absorbed. But no such reply as above has been enclosed. The applicant submits that though he was medically deategorised due to his vision he is entitled for fixation of pay as per rule referred to above. He further submits that his case is squarely covered by the judgement of this Tribunal in OA.310/95 dated 5.7.96 (MS. Zama Khan vs. C.P.O., S.C.Railway and others).

3. Under the circumstances as above it is/fit case to remit it back to R-1 to consider his representation at A-1 taking due note of the direction given in OA.310/95 disposed of on 5.7.96 if the applicant is placed in a similar situation as the applicant in OA.310/95.

4. In the result, the following direction is given:-

R-1 should dispose of the representation of the applicant dated 8.1.96 (A-1) taking due note of the ~~direction~~ ^{direction} in OA.310/95 if the applicant in this OA is similarly placed as the applicant in OA.310/95 within a period of 4 months from the date of receipt of a copy of this order.



..4..

O.A. NO. 605/96

Copy to:

1. The Divisional Railway Manager,
South Central Railway, Hyderabad (MG) Division,
Secunderabad.
2. Senior Divisional Personnel Officer,
South Central Railway, Hyderabad (MG) Division,
Secunderabad.
3. Divisional Commercial Manager,
South Central Railway,
Hyderabad (MG) Division,
Secunderabad.
4. Senior Divisional Mechanical Engineer,
(Loco), South Central Railway,
Hyderabad (MG) Division,
Secunderabad.
5. One copy to Mr. S. Lakshma Reddy, Advocate,
CAT, Hyderabad.
6. One copy to Mr. N. R. Davraj, Sr. CGSC,
CAT, Hyderabad.
7. One copy to Library, CAT, Hyderabad.
8. One duplicate copy.

YLKR

Typed By
Compared by

Checked By
Approved by

13/9/96
THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED: 13/9/96

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

in
O.A. NO. 605/96

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

YLKR

II COURT

No Spall Copy

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

DESPATCH

- 1 OCT 1996

हैदराबाद न्यायालय
HYDERABAD BENCH