

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.809/96

Date of Order: 5.7.96

BETWEEN:

1. V.Durgaprasada Babu
2. D.Srinivasa Murthy
3. S.Venkateswara Rao
4. D.Adikesava Rao
5. P.Srinivasa Rao

.. Applicants.

AND

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

.. Respondents.

Rs - -

Counsel for the Applicants

.. Mr.B.NarasimhaSarma

Counsel for the Respondents

.. Mr.N.V.Ramana

CORAM:

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

-C- -

J U D G M E N T

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

Heard Sri M.C.Jacob for Mr.B.Narasimha Sarma, learned counsel for the applicants and Sri V.Rajeswara Rao for Sri N.V.Ramana, learned standing counsel for the respondents.

2. There are 5 applicants in this OA. They were recruited as Assistant Station Master through Railway Recruitment Board. Applicants 1-3 were posted to Secunderabad division as ASM in the grade of Rs.1200-2040. They joined on 16.4.83, 7.6.88 and 7.6.88 respectively. All the 3 applicants requested for transfer to Vijayawada division while they were working in the grade of Rs.1400-2300 as ASM at Secunderabad Division. They were

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transferred on the request to Vijayawada division on 16.6.87, 20.8.92 and 19.8.92 respectively. When they joined at Vijayawada division their pay was fixed in the grade of Rs.1200-2040 on the basis of rules in this connection. However the last pay drawn by them in Secunderabad division namely Rs.1440/- was not protected.

3. Applicants 4 and 5 were initially posted to Guntakal division on 18.7.88 and 18.8.88 respectively in the grade of Rs.1200-2040 as ASM. They were transferred to Vijayawada division on the request on 11.3.93 and 2.3.93 respectively when they were drawing pay of Rs.1440 in the grade of Rs.1440-2300 in Guntakal division. When they joined in Vijayawada division their pay was fixed at the stage of Rs.1320 and 1350 respectively. But their last pay drawn in Guntakal division namely Rs.1440/- was not protected.

4. All the 5 applicants made a representation to R2 for protecting their ^{last} pay drawn by them in the earlier division namely Secunderabad and Guntakal respectively when their pay was fixed in the grade of Rs.1200-2040 in Vijayawada division vide their representation at Annexures - 8, 9, 10, 11 and 12 respectively. It is stated that no reply has given to their representation.

5. Aggrieved by the above they have filed this OA praying for a direction to the respondents to fix their pay in accordance with Rule 1313 of Indian Railway Establishment Code Vol. II consequent upon the transfer on request to Vijayawada as directed in the case of the applicants in OA.1252/94 on the file of this Bench with all consequential benefits.

6. This is not the first OA praying for ^{such} the relief, ^{the} number of OAs praying for similar relief had already been disposed of allowing the application. OA.1252/94 wherein similar prayer

.. 3 ..

Contentions
was made and the ~~conditions~~ were also similar ~~and~~ was allowed by order dated 14.11.94. A copy of this judgement is at A-13.

7. In view of the above this OA has also to be allowed subject to the condition that if any arrears is to be paid in pursuance to this order, the same is restricted to one year prior to the filing of this OA.

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

This OA is allowed at the admission stage itself directing the respondents to fix the pay of the applicants by protecting their pay in accordance with Para 1313 (9)(iii) of the Railway Establishment Code, Vol.II. On that basis the arrears due to the applicant have to be paid. However, the payment of arrears is restricted to one year before the filing of this OA i.e. from 1.4.95 (This OA was filed on 17.4.96). Time for compliance is 4 months from the date of receipt of a copy of this order. No costs.

me
(R.RANGARAJAN)
Member (Admn.)

Dated: 5th July, 1996

(Dictated in Open Court)

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Dy. Registrar (Sudb)

cont 2-4/-

Copy to:-

1. Senior Divisional Personnel Officer, S.C.Railway, Vijayawada Division, Vijayawada, Krishna District.
2. Divisional Railway Manager, S.C.Railway, Vijayawada Division, Vijayawada.
3. General Manager, S.C.Railway, Railnilayam, SecUnderabad.
4. One copy to Sri. B.Narasimha Sarma, advocate, CAT, Hyd.
5. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

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COMPARED BY

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THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED: 5/7/96

ORDER/JUDGEMENT

O.A. NO./R.A./C.P. NO.

O.A. NO.

809/96

~~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 Spare Copy

