

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.810/96

Date of Order: 5.7.96

BETWEEN:

1. V.J.Satyanarayana

2. T.S.Raj Mohan

.. Applicants.

AND

1. Senior Divisional Personnel Officer,  
S.C.Railway, Secunderabad Division,  
Sanchalan Bhavan, Secunderabad.

2. Divisional Railway Manager, S.C.R.,  
Secunderabad Division,  
Sanchalan Bhavan, Secunderabad.

3. General Manager, S.C.Rly.,  
Rail Nilayam, Secunderabad.

.. Respondents.

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Counsel for the Applicants

.. Mr.B.Narasimha Sarma

Counsel for the Respondents

.. Mr.V.Rajeswara Rao

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CORAM:

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

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J U D G E M E N T

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

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

2. There are 2 applicants in this OA. They were recruited as Assistant Station Master in the initial recruitment grade and were posted to Hubli Division, SC Railway on 23.12.79 and 3.3.76 respectively. When they were <sup>working</sup> worked at Hubli Division as ASM in the grade of Rs.1400-2300 they sought for transfer on request to Secunderabad division and that request was acceded to. They were transferred to Secunderabad division

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on 29.9.91 and 2.9.91 respectively. At that time they were relieved from Hubli division, they were drawing pay of Rs.1760/- and 1720/- respectively in the grade of 1400-2300 at Hubli Division. When they joined at Secunderabad division their pay was fixed at the stage of Rs.1560/- in the grade of Rs.1200-2040 without protecting their pay drawn by them at the time of relief in the Hubli division. They filed a representation for protecting the last pay drawn at Hubli division dated 20.3.95 and 28.5.95 respectively. It is stated that those representations are yet to be replied.

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

4. This is not the first OA praying for <sup>such</sup> the relief, ~~Number~~ ~~c~~ OAs praying for similar relief ~~(2)~~ had already been disposed of allowing the application. OA.1252/94 wherein similar prayer was made and the <sup>Contentions</sup> ~~conditions~~ were also similar ~~and~~ was allowed by order dated 14.11.94. A copy of this judgement is at A-13.

5. In view of the above this OA has also to be allowed subject to the condition that if any arrears <sup>are</sup> ~~s~~ to be paid in pursuance to this order, the same is restricted to one year prior to the filing of this OA.

6. 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

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due to the applicants 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.

*(Signature)*  
( R. RANGARAJAN )  
Member (Adm., )

Dated: 5th July, 1996  
( Dictated in Open Court )

*(Signature)*  
11/7/96  
Dy. Registrar

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## Copy to:-

1. Senior Divisional Personnel Officer, S.C. Railway, Secunderabad Division, Sanchalan Bhavan, Secunderabad.
2. Divisional Railway Manager, S.C. Railway, Secunderabad Division, Sanchalan Bhavan, Secunderabad.
3. General Manager, S.C. Railway, Rail Nilayam, Secunderabad.
4. One copy to Sri. B. Narasimha Sarma, advocate, CAT, Hyd.
5. One copy to Sri. V. Rajeswara Rao, Addl. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

22/7/96  
DA-810/96

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

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.

G.A. NO. 810/96

- ~~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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No spare copy

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 Central Administrative  
 Dept/DESPT  
 22 JUL 96  
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 HYDERABAD