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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

O.A.Nos., 819/96 and 285 of 1996.

Date of Decision: 22-9-1997.

Between:

O.A.819/96

1. K.Jesudanam.
2. Shaik Peeran.
3. Shaik Saheb.
4. V.Christopher.
5. G.Narayana.
6. K.Jayaraman.

7. N.K.Ramaswamy.
8. I.Corry.
9. T.Ravindran.
10. G.S.Kumar Singh.

Applicants.

And

1. Uniln of India, represented by the Chairman, Railway Board, Rail Bhavan, New Delhi 110 001.
2. Union of India represented by the General Manager, South Central Railway, Rail Nilayam, Secunderabad.
3. Chief Personnel Officer, South Central Railway, Rail Nilayam, Secunderabad. .. Respondents.

Counsel for the applicants: Sri G.Ramachandra Rao.

Counsel for the respondents: Sri N.R.Devaraj.

O.A.No.285/96.

1. B.Yellaiah.
2. A.Desilva .
3. Syed Moin.
4. B.Krishna Murthy.
5. B.Dhanraj.
6. Sitaram Singh.
7. M.Satyanarayana.

8. P.Krishna Rao.
9. B.R.Anjaiah.
- 10.G.P.MadanMohana Rao.
- 11.T.V.G.Rajnikar.
- 12.M.Balaji Singh.
- 13.S.T.Balasubrahmanyam
- 14.K.Durgaprasad.
15. A.R.Yadaiah.
16. Syed Hussain.
17. D.Decruze.
18. N.Padmarao.

APPLICANTS.

AND

1. Union of India represented by the Chairman, Railway Board, Rail Bhavan, New Delhi 110 001.
2. Union of India represented by the General Manager, South Central Railway, Rail Nilayam, Secunderabad.
3. Chief Personnel Officer, South Central Railway, Rail Nilayam, Secunderabad. .. RESPONDENTS.

Counsel for the Applicants: Sri G.Ramachandra Rao.

Counsel for the respondents: Sri V.Bhimannna.

JUDGMENT.

(By Hon'ble Sri H.Rajendra Prasad) 9/14

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O.A.Nos., 819/96 and O.A.285/96.

(Judgment by Hon'ble Sri H.Rajendra Prasad, ⁰¹
Member (A). ¹⁹

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O.A.819/96.

The applicants in O.A.819/96 are holding posts in the (Loco) Supervisory Cadre. The Loco Running Supervisory Posts are filled up by selection from Drivers belonging to "A", "B", "C" and Special Grade with five years of service. The applicants volunteered for the said posts, were selected and appointed to the Supervisory Cadre prior to 1-1-1986.

As a consequence of the recommendations of the ^{IV} Pay Commission, the then existing three scales of Loco Running Supervisory Posts were merged into two as under:

i) Rs.550-750	X Merged into one grade
ii) Rs. 700-900	(X) Revised to 2,000-3,200
iii) Rs.840-1,040	Revised to Rs.2,375--3,500.

Scales of pay of Drivers were revised as under:

i) Rs.550-750	Revised to Rs.1,640-2,900
ii) Rs.550-700	X Merged into one
Rs.425-640	(X) Revised Pay Scale R .1,600-2,660
iii) Rs.330-560	Revised to Rs.1,350-2,200

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Due to the revised fixation of scales of pay after 1-1-1986, the Supervisor, Staff appointed prior to 1-1-1986 began to draw less pay than the juniors appointed to Loco Supervisory Posts after the said date. This anomaly occurred in respect of those seniors who ~~are~~^{we} affected due to refixation of scale of pay of Rs.2000-3200 and Rs.2,375-3500. Taking cognizance of this wide-spread anomaly, the Railway Board decided, vide their Procs. No.E(P'A)II/88-RS-12 dated 16.9.1988 that the pay of such affected seniors would be stepped-up on par with their juniors.

The applicants cite the case of one Virupaksha Rao, Driver "A" Special Grade, who was in the pay scale of Rs.550-750 and appointed to Loco Supervisory post on 15.4.1987 and was fitted at Rs.3,200.00 in the scale of pay of Rs.200-3200. The said Virupaksha Rao was junior to the applicants who were appointed to Supervisory Grade much prior to 1-1-1986. Thereupon, the Chief Personnel Officer, South Central Railway issued orders stepping up the pay of Senior Loco Supervisors on par with the pay of the said Virupaksha Rao. Consequently, the pay of some of the Loco Supervisors (other than the present applicants) was also revised in December, 1989, with effect from 16-6-1987, and they

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were also paid arrears of pay that became due. The benefits so given were, however, stopped following certain instructions/clarifications given by Respondent No.1 on 14-9-1990 (Annexure VII).

Thereafter, the matter was taken up by the National Federation of Railway Workers with the Railway Board and the present applicants also made representations to the Chief Personnel Officer. The Chief Personnel Officer is said to have issued orders on 7-5-1991 to the Divisional Managers in the Zone, on the basis of the clarifications/instructions issued by the Railway Board, to recover amounts paid earlier to some Senior Grade Supervisors. This led to the filing of O.A.534/91 on before this Bench which was disposed of/21.7.95 with the following Order:

"The respondents are directed to apply the orders of the Railway Board dated 16.9.1988 for stepping-up the pay of each of the applicants and to bring it at par with that of their junior promoted after 01.1.1986. Respondents shall comply with this order within a period of 4 months from the date of communication of this Order."

It is also mentioned that certain cases were filed before the Principal Bench and some other coordinate Benches of the Tribunal and those O.A.s, were allowed.

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It is further stated that the S.L.P. filed by the respondents in this regard was also dismissed.

The applicants pray for directions to be issued to the respondents to step up their pay in the Loco Supervisor Grade on par with their junior, Virupakasha Rao from the date when he started getting more pay than the applicants.

O.A.No.285/1996

The facts and prayer in this O.A., are similar to those mentioned in O.A.819/96.

For the sake of convenience these two O.As., (O.A.819/96 and O.A.285/96) are being disposed of by a common judgment.

The facts of these two O.As., (O.A.819/96 and O.A.285/96) are similar to the facts contained in O.A.534/91. While disposing of O.A.534/91, this Bench had examined in detail the merits of the contentions of the applicants therein and issued the directions which are cited above.

On / 7/96

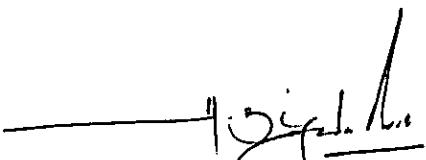
In the circumstances, nothing remains to be examined afresh in this case, since the substantive issues raised therein have been duly gone into by the Bench on an earlier occasion.

Following the decision in O.A.534/91 dated 21.7.1995, the respondents are directed as under:

The respondents are directed to apply the orders of the Railway Board dated 16.9.1988 for stepping up the pay of each of the applicants in these two O.As., and to bring it on par with that of their junior promoted after 1.1.1986. Respondents shall comply with this Order within a period of four months from the date of communication of this Order.

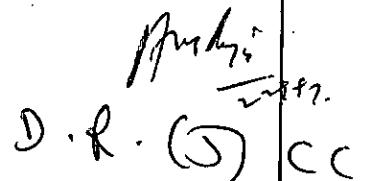
With the above directions, the O.As. are disposed of.

No order as to costs.


H. RAJENDRA PRASAD,
MEMBER (A)

Date: 22 SEP 97

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