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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.928/96

Date of Order: 2.8.96

BETWEEN:

1. S.Mehan Rao
2. M.David Rathna Raj
3. V.Bhaskar
4. C.Venkataiah .. Applicants.

AND

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

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Counsel for the Applicants .. Mr.M.C.Jacob

Counsel for the Respondents .. Mr.V.Rajeswara Rao

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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.)

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There are 4 applicants in this OA, they joined Hubli Division as Assistant Station Master. They were promoted in Hubli division subsequently to their next higher grade of Rs.1400-2300/ 425-640 in that division. They applied for transfer to Vijayawada division. That request was acceded and they were transferred to Vijayawada Division as per A. This annexure also shows the last pay drawn by them when they were relieved from Hubli division at column No.5. When the applicants joined in the grade of Rs.1200-2040 (erstwhile



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Received
Rs.330-560) the pay as ~~given~~ by them at the time of relief from Hubli division was not protected in the scale of pay of Rs.330-560/ 1200-2040. Hence they filed representations for protecting their pay at the time of inter-divisional transfer in accordance with para 1313 of I.R.E.C. Vol-II. The individual representations of the applicants are at Annexure-7, 8, 9 and 10. These representations were filed in 1995. It is stated that no reply has been given to these representations yet

2. In view of 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 request transfer to Vijayawada division in accordance with the direction given in OA.1252/94 on the file of this Bench with all consequential benefits including arrears from the date of their interdivisional transfer.

3. Similar OAs were disposed of by this Tribunal ~~in~~ and OA.1252/94 is one amongst them. The applicants in that case also were transferred on the request to Guntakal division from Hubli division. When the protection of pay in the transferred cadre was not done they filed the above said OA seeking a direction to protect their pay in accordance with para 1313 (2) (iii) of IREC Vol.II. That OA was allowed directing the respondents to fix the pay of the applicants in that OA by protecting their pay in accordance with para 1313 (a) (iii) of IREC.

4. The applicants in this OA prayed that they are similar placed and hence their case also has to be disposed of ~~as it~~ ^{on the same basis} is a covered case.

5. As the representations are still pending with the respondents it is felt sufficient if a direction is given to the respondents to dispose of the representations of the

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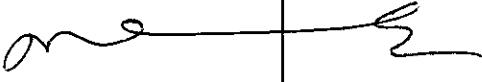
the applicants herein in accordance with the law keeping in mind the directions given in OA.1252/94. However, the arrears, if any, to be paid to them if the representations are favourably disposed of is restricted to only one year prior to the filing of this OA.

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

The representations of the applicants enclosed as A-7, 8, 9 and 10 are to be disposed of in accordance with the law by R-2 within a period of 3 months from the date of receipt of a copy of this order keeping in mind the directions given by this Tribunal in OA.1252/94, ^{if} ~~if~~ the applicants in this OA are similarly placed as the applicants in OA.1252/94. If the representations of the applicants are favourably disposed of the applicants are entitled for arrears due to the protection of pay ^{if} ~~is~~ any ~~is~~ only one year prior to the filing of this OA i.e. w.e.f. 26.7.95 (this OA was filed on 26.7.96).

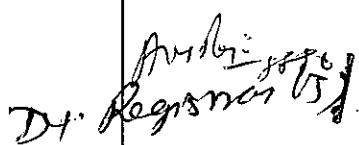
7. The OA is ordered accordingly at the admission stage itself. No costs.

8. Registry should sent a copy of this OA to R-2 along with the judgement.


(R.RANGARAJAN)
Member (Admn.)

Dated: 2nd August, 1996

(Dictated in Open Court)


D. Registrar

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Q.A.928/96.

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, Krishna Dist.
3. General Manager, S.C.Railway, Railnilayam, Secunderabad.
4. One copy to Sri. M.C.Jacob, advocate, CAT, Hyd.
5. One copy to Sri. V.Rajeswara Rao, SC for Rlys, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

23/8/96 DA 928/96
TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED: 21/8/96

ORDER/JUDGEMENT
D.A.N.S./R.A/C.P.No.

D.A. NO. ^{III}
928/96

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

YLR

II COURT

note:-
No Spare Copy or send a copy
or or along with
judgment 15/2-2

केन्द्रीय प्रशासनिक अधिकार
Central Administrative Tribunal
DESPATCH
20 AUG 1996 *W.M.*
हैदराबाद बैचन्स
HYDERABAD BENCH