

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH  
AT HYDERABAD.

O.A.No. 4 of 96.

Date: April 9, 1997.

Between:

1. B.J.N.Swamy.  
2. V.V.Krishna Murthy.  
3. A.C.Arjunan.                      ..    ..    Applicants.

And

1. Chief Administrative Officer,  
South Central Railway,  
Headquarters Office, Works Con-  
structions Branch, Secunderabad.
2. Financial Adviser & Chief Accounts  
Officer, South Central Railway,  
Rail Nilayam, Secunderabad.
3. Sri B.Ranga Rao, S/o Sri Venkata  
Seshaiah, aged 56 years, working  
as Chief Draftsman, Office of the  
Divisional Engineer (C)GC., Hospet,  
Camp at Secunderabad.

CoRAM: Hon'ble Shri R. Rangarajam: M (A)  
Counsel for the Applicants: Sri G.V. Subba Rao.  
Counsel for the Respondents: Sri V. Bhimanna.


**JUDGMENT.**

Heard Sri G.V.Subba Rao, learned counsel for  
the applicants and Sri V.Bhimanna, learned counsel for  
the Respondents.

There are three applicants in this O.A. Of the three, applicant Nos., 1 and 2 had retired from service. The applicants submit that they were posted to the South Central Railway on formation of that Railway.

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When they were posted to South Central Railway, all the three of them ranked senior to the 3rd respondent in the seniority list, in the cadre of Draughtsmen in the Civil Engineering Department of South Central Railway. The applicants have enclosed Annexure II (Page 11 of the G.A.,) which shows the pay fixation of the applicants vis-a-vis the Respondent No.3 right from the stage of their posting as Assistant Draughtsman in the scale of pay of Rs.330--560. The applicants submit that the 3rd respondent was working in Bhadrachalam Road R.S., in construction Cell and hence they were not aware of the fixation of pay of the 3rd respondent till he was transferred to the Head Quarters Unit at Secunderabad in 1992. When the 3rd respondent was transferred to the Headquarters Unit at Secunderabad in 1992, they came to know that the pay of the 3rd respondent in the scale of pay of Head Draughtsmen was more than that of the applicants. Hence, they filed representations for equalisation of their pay with that of the Respondent No.3 right from that date or even earlier. Their representations were disposed of by the impugned Letter No. P.Con.A20/Stepping up of pay dated 10-11--1995 (Annexure I to this O.A.,) rejecting their representations.



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This O.A., is filed praying for a direction to the Respondents to equalise their pay on par with that of the Respondent No.3 from the date the Respondent No.3 was drawing more pay than the applicants in the scale of senior Draughtsmen and above.

No reply has been filed in this O.A., though time was given to the respondents to file their reply.

The learned counsel for the applicants submits that the Department concerned has favourably viewed the case of the applicants and recommended for equalisation of their pay with respect to the 3rd respondent and accordingly sent their proposal to FA&CAO (Respondent No.2) for concurrence. In spite of the favourable recommendation from the Department, Respondent No.2 has failed to give concurrence. The applicants also submit that the 2nd respondent had accepted that the Respondent No.3 is junior to the applicant herein and the Respondent No.3 should not have been given promotion ignoring the claim of the applicants. Even though the view taken by the FA&CAO that Respondent No.3 should not have been given promotion as he is junior to the applicants, the FA&CAO (Respondent No.2 herein) for some unknown reasons failed to give

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concurrence to the proposal made by the Department which resulted in the issue of the impugned letter dated 10-11--1995 by which the applicants' claim for stepping of their pay was rejected.

Under the facts and circumstances of the case, I am of the opinion that the applicants should now make a detailed representation to the General Manager, South Central Railway, Secunderabad explaining their case fully and also indicating the views expressed by the Department as well as the 2nd respondent and pray for reconsideration of their case. The General Manager, South Central Railway, when such a representation is received should look into this case from all aspects taking due note of the recommendations of the Department as well as the view expressed by the 2nd respondent viz., that the 3rd respondent being junior to the applicants herein should not have been given promotion and decide the issue on the basis of the facts put up before him.

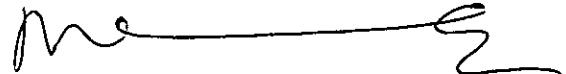
The learned counsel for the applicants submitted that the applicants will file individual representations



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to the General Manager within 30 days from the date of receipt of a copy of this Order. If such a representation is received by the General Manager, South Central Railway then the same should be disposed of by him within three months from the date of receipt of the representation keeping in view the above observations.

With the above observations, the O.A., is disposed of. No costs.



R. RANGARAJAN,  
Member (A)

sss.

Date: 9--4--1997.

Dictated in open Court.

*Handwritten signature*  
D.R.(J)

Note:

C.C. by next Wednesday.

(B.O.)

*Handwritten signature*  
S.C.

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## Copy to:

1. Chief Administrative Officer, South Central Railway, Head Quarters Office, Works Constructions Branch, Secunderabad.
2. Financial Adviser & Chief Accounts Officer, South Central Railway, Railnilayam, Secunderabad.
3. One copy to Mr.G.V.Subba Rao, Advocate,CAT,Hyderabad.
4. One copy to Mr.V.Bhimanna, Addl.CGSC,CAT,Hyderabad.
5. One copy to D.R(A), CAT, Hyderabad.
6. One copy to D.R(A), CAT,Hyderabad.
7. One duplicate copy.

YLKR

28/4/97  
TYPED BY  
COMPILED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

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

AND

THE HON'BLE SHRI S.S. JAI PARAMESHWAR:

M(J)

DATED: 9/4/97

ORDER/JUDGEMENT

R.A/C.P/M.A.No.

in

S.A.No. 4/96

ADMITTED INTERIM DIRECTIONS ISSUED  
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

II COURT

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when is the order?

केन्द्रीय प्रशासनिक न्यायालय  
Central Administrative Tribunal

विवरण/DESPATCH

23 APR 1997

हैदराबाद न्यायपीठ  
HYDERABAD BENCH