

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.104/96

dated : August 7, 96

Between

G. Prasad

: Applicant

and

1. Sr. Dival. Personnel Officer
SC Rly., Vijayawada Division
Vijayawada, Krishna (Dist)

2. Divisional Rly. Manager
SC Rly., Vijayawada Division
Vijayawada, Krishna Dist.

3. General Manager

SC Rly, Railmilyam
Secunderabad

: Respondents

Counsel for the applicant

: B. Narasimha Sarma
Advocate

Counsel for the respondents

: D.F. Paul
SC. for Railways

CORAM

HON. SRI R. RANGARAJAN, MEMBER (ADMN.)



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OA.104/96

dated : 7-8-96

Judgement

Oral order (per Hon. Sri R. Rangarajan, Member (Admn.))

Sri ~~Jagesh~~ for Sri B. Narasimha Sarma for the applicant.

Sri D.F. Paul for respondents.

2. The applicant was appointed directly as ASM in the scale of pay of Rs.1200-2040 on 1-12-1988 under Hyderabad MG Division of South Central Railway. He was subsequently promoted to the grade of Rs.1400-2300. The applicant sought request transfer to Vijayawada Division of SC Railway, and that was accepted by the order No.30/ET.III/94 dated 27-10-1994/14-12-1994 at Annexure-I. The request transfer is ordered in terms of Para-312 of IREM. At the time of his relief from Hyderabad MG Division, the applicant was drawing a pay of Rs.1520/- in the scale of Rs.1400-2300. He joined Vijayawada Division on 1-4-1995. At the time of his joining Vijayawada Division in the scale of Rs.1200-
~~drawn~~ 2040, his last pay ~~drawn~~ in the Hyderabad Division, at the time of his relief, was not protected. He filed a representation dated 30-6-95 to Respondent-2 for protecting his pay in terms of Rule 1313(a)(i) of IREC as was done in the case of the applicant in OA.1252/94 disposed of by this Tribunal on 14-11-1994. It is stated that his representation is not disposed of yet.

3. Aggrieved by the above he has filed this OA for protecting his pay when he joined Vijayawada Division in the scale of pay of Rs.1200-2040 in accordance with rule 1313(a)(ii)(iii) of IREC Volume-II and consequential payment of arrears.

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4. A reply has been filed in this connection.

Learned standing counsel submitted that para 604 of IREM with amendment is relevant rule in this case. However, after some argument he agreed that the usual orders as were given in the previous OAs in the similar cases may be followed in this case also. He further submitted that as the representation of the applicant is pending with the respondents, the respondents may be directed to dispose of the representation in accordance with law. Learned counsel for the applicant has no objection to dispose of his representation following the extant rules.

5. In view of the above submissions the following direction is given:

Respondent-2 should dispose of the representation of the applicant dated 30-6-1995 in accordance with rules taking due note of the code provision viz. 1313(a) (ii) (iii) of IREC Volume II and also taking due note of the directions given in the similar OAs. In case the applicant gets a favourable disposal to his representation from Respondent-2, he is entitled for arrears, if any, only from one year prior to filing of this OA i.e. from 22-1-1995 (This OA is filed on 22-1-1996). Time for compliance is three months from the date of receipt of this judgement.

6. OA is ordered accordingly. No costs.



(R. Rangarajan)
Member (Admn.)

Dated : August 7, 96
Dictated in Open Court


D. R. (S)

ASB

3.4.7

O.A.NO.104/96

Copy to:

1. The Senior Divisional Personnel Officer,
South Central Railway,
Vijayawada Division,
Vijayawada.
2. Divisional Railway Manager,
South Central Railway,
Vijayawada Division,
Vijayawada.
3. General Manager,
South Central Railway,
Railnilayam,
Secunderabad.
4. One copy to Mr.Narasimha Sarma, Advocate,
CAT, Hyderabad.
5. One copy to Mr.O.F.Paul, SC for Railways,
CAT, Hyderabad.
6. One copy to Library,CAT, Hyderabad.
7. One duplicate copy.

YLKR

GR
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COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R.RANGARAJAN: M(3)

DATED: 7-8-96

ORDER/JUDGEMENT
D.A.NO./R.A/C.P.No.

in
D.A.NO. 104/96

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

केन्द्रीय प्रशासनिक विधिकरण
Central Administrative Tribunal
टेलिफोन/DESPATCH
22 AUG 1996
हैदराबाद न्यायालय
HYDERABAD BENCH