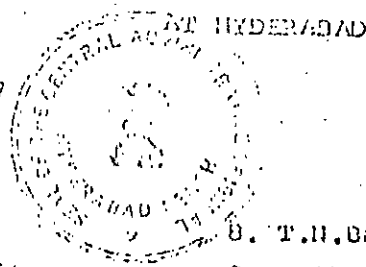


IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH



G.A.No. 1746/97

Date of Order : 20.4.99

APPLICANTS :

- | | |
|---------------------|------------------------|
| 1. M. Murugan | 8. T.H.Basu |
| 2. Ch.Ram Reddy | 9. G.Chandrasekhar Rao |
| 3. A.Shamsuddeen | 10. S.S.Bhatavdekar |
| 4. S.Parthasarathi | 11. T.M.Appukuttan |
| 5. P.M.Balakrishnan | 12. K.M.Sulhakar Rao |
| 6. VSS.Narayana Rao | 13. D.Butyala Rao |
| 7. R.S.Pillai | 14. Ch.T.Nagaraja |

.. Applicants.

AND

1.The Union of India, rep. by its
Secretary to Government,
Ministry of Defence, South Block,
New Delhi.

2.The Engineer-in-Chief,
Army Headquarters, New Delhi.

.. Respondents.

Counsel for the Applicants

.. Mr.H.Rama Mohan Rao

Counsel for the Respondents

.. Mr.V.Vinod Kumar

COMMISSION :

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

HON'BLE SHRI B.S. JAI PRASADSHANKAR : MEMBER (JUDL.)

ORDER

KA s per Hon'ble Shri R.Rangarajan, Member (Admin.)

Mr.H.Rama Mohan Rao, learned counsel for the
Applicants and Mr.V.Vinod Kumar, learned standing counsel
for the respondents.

16/6/99

also recommended by the department to the concerned authorities to grant that scale of pay to all Assistant Engineers as per Annexure-R-1 letter, the applicants will get a pay equal to that of the other services which will be higher than the feeder category staff who are to be promoted as Assistant Engineers. The applicants submit that the scale of pay of Assistant Engineers is only Rs.2375-3500 and not Rs.2575-5750 as indicated in the Railway Board's letter dated 6.11.95.

4. In view of the above the respondents submit that the applicants are not entitled for the scale of pay of Rs.2375-3750 from the date the feeder category Supervisors are given the higher scale of pay of Rs.2000-3500.

5. The main point for consideration is whether the pay of the applicants who are Assistant Engineers is to be stepped up in view of the fact that the feeder category staff from whom the promotions are affected to the post. Assistant Engineers are having the same scale of pay of Rs.2000-3500.

6. The Railway Board's letter dated 6.11.95 is very relevant in this connection. That letter was issued only because of the fact that the feeder category staff who are to be promoted as Assistant Engineers in the railways and the Assistant Engineers in the Group-B cannot have the

JR

The above circular of Railway Board dated 6.11.55 was issued in view of the judgement of the C.A.T., New Delhi dated 30.7.53 directing the Railway Administration to accord to the Group-B services of the Indian Railways a scale of pay higher than the existing scale of Rs.2375-3500 drawn by Group-C services. However, it is noted from the OA affidavit that no representation has been filed in this connection.

1. This OA is filed to fix the scale of pay higher than Rs.2000-3500 the post of Assistant Engineer which has been classified as Group-B gazetted in the military engineering service w.e.f. 1.1.51 the date on which the benefit of higher scale was granted to the Superintendents Gr-I/ Surveyor Assistant who have rendered 15 years service with all attendant benefits.

1. In the reply the respondents submit that the applicants cannot compare themselves with the alleged counterparts in the other departments of Union of India as duties and functions of each department differs from each other and the pay scales are fixed by the Government of India depending on such duties and functions of its employees. Hence comparing their duties with that of the other department and asking them to pay higher scale of pay is not warranted. It is also stated that in view of the 5th Central Pay Commission recommended higher pay scale of Rs.7500-12000 of 50% of Assistant Engineers and it is

applicants should also get relief only from that date, only.

9. In view of the above the following direction is given :-

The applicants herein are entitled to the scale of pay of Rs.2275-3750 effective from 30.7.93. On that basis, their pay fixation should be done and consequential benefits should be granted to them.

10. Time for compliance is 4 months from the date of receipt of a copy of this order.

11. The CA is ordered accordingly. No costs.

V. Vinod Kumar

प्रमाणित प्रति
CERTIFIED TRUE COPY

सं. 17.11.6/2.7
दि. 23.4.97
3.6.99
CC. 17.11.6/2.7

Officer
Central Administrative Tribunal
HYDERABAD BENCH.

... 3 ...

same scale of pay. Hence the submission of the respondents that the duty list of the other departments cannot be compared with that of the applicants herein to grant them the higher scale is not a proper submission. What is to be seen is whether the feeder category and the higher promotion grade from that feeder cadre can have the same scale of pay is permissible or not. That point has been conclusively decided by the C.A.T., New Delhi by its order dated 30.7.93 by granting the higher pay scale of Rs.2375-3750 to the Group-B scale of Assistant Engineers in the Railways which will be higher than the feeder category officials who are to be promoted to the Assistant Engineers. Similar view has been taken by the Principal Bench of the C.A.T. in O.A.912/93 decided on 8.11.95 for granting higher pay scales of JSOs who are to be promoted from the lower category of Draughtsmen Senior, Scientific Assistant and Foremen.

7. The above 2 judgements of the C.A.T. strengthens our view that the scale of pay of promoted cadre should have been higher than the feeder category from which the promotion takes place. In view of the above the applicants herein should also be given the scale of pay of Rs.2375-3750 as was given to the Group-B Assistant Engineers of the Railways by order dated 6.11.95.

8. The applicants rely heavily on the letter of the Railway Board dated 6.11.95 to get the relief. As the order of Railway Board is effective from 30.7.95 we feel that the

D

- 1) in A petitions to be Hgd
- 2) natural paper index to be Hgd

14/10/99

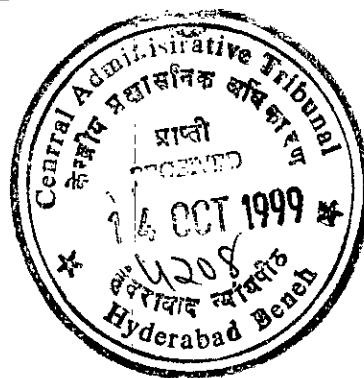
Completed
15-10-99

MA for Extension & Writ
In the CAT Hyd Bench

0ANO1746 0897

INDEX

ANTI Judgement
Copy Enclosed
0ANO1746 0897 IS



Extension of Time

Impd by 15/10/99
Mr. N. Rama Mohan Rao
Advocate

Received by
14/10/99

N. Vinod Kumar
Advocate

Stamp