

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. No. 1773/97

Date of Order : 10.11.98

Between :

R.V. Srinivasa Rao

...Applicant

AND

1. Sr. 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

Counsel for the Applicant - Shri B.N. Sharma/M.C. Jacob
Counsel for the Respondents - Shri V. Bhimanna

CORAM :

The Hon'ble Justice Shri D.H. Nasir - Vice Chairman
The Hon'ble Shri H. Rajendra Prasad - Member (A)

(Order per Hon'ble Shri H. Rajendra Prasad, Member (A))

Heard Shri B.N. Sharma/Shri M.C. Jacob, Learned
Counsel for the Applicant and Shri V. Bhimanna, Learned
Standing Counsel for the Respondents.

The post of Assistant Station Master had two
scales :- Rs. 1400 - 2300 and Rs. 1200 - 2040. The
Applicant, while working as Assistant Station Master in
the higher scale, was transferred at request to another
Division in the same capacity in the lower grade. His

[Signature]

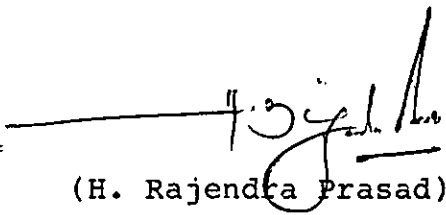
pay was fixed in the latter grade at a lower stage than what he was drawing in his earlier post; certain increments were added to the refixed pay commensurate with the number of years spent by him in his previous post; the eventual difference in the pay drawn by him in the earlier and current posts was made up by the grant of personal pay absorbable in future increments in the new scale. The Applicant's grievance is that he has thus not merely lost his original seniority in the earlier unit (which was in accordance with the rules in this regard), but has also suffered the additional advantage of incorrect lower fixation of pay than what he thinks he is entitled to.

There was a divergence of views as to whether the correct rule applicable in this case is 604 of IREM or Rule 1313(1)(a)(i). It is now clear that it is the former rule, viz., 604 of IREM., which is relevant to the facts of the case. The grievance of the Applicant is required to be settled in terms of the additional para (a) (3) incorporated under Rule 604 as communicated by the Railway Board in their letter No. F(E)/II/91/Misc.2 dated 24.2.95. The matter was examined in depth by the Board and their decision is contained in letter No. F(E)II/91/Misc.2 dated 3.11.98. As per this decision the advantage of full pay protection shall be available to officials who were substantive holders of the post and had completed 24 months of regular service in the old scale/earlier appointment. This decision is adequate and fairly covers the interests and claims of the Applicant.

Q. u.

The claims of the Applicant shall, therefore, be examined in the light of the Board's letters dated 24.2.95 and 3.11.98 (supra) and necessary follow-up action shall be taken to fix his pay accordingly. This shall be done within two months from the date of receipt of a copy of this order.

Thus the O.A. is disposed of. No costs.


(H. Rajendra Prasad)

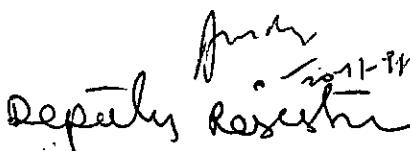
Member (A)


(D.H. Nasir)

Vice Chairman(J)

DICTATED IN OPEN COURT

DATED : 10.11.98.


Deputy Registrar

...js

To

1. The Sr.Divisional Personnel Officer,
SC Rly, Vijayawada Division,
Vijayawada, Krishna Dist.
2. The Divisional Railway Manager,
SC Rly, Vijayawada Division,
Vijayawada, Krishna Dist.
3. The General Manager, SC Rly,
Railnilayam, Secunderabad.
4. One copy to Mr. M.C.Jacob. Advocate, CAT.Hyd.
5. One copy to Mr. V. Bheemanna, SC for Rlys, CAT.Hyd.
6. One copy to HHRP.M.(A) CAT.Hyd.
7. One copy to DR.(A) CAT.Hyd.
8. One spare copy.

pvm

17/12/98

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I COURT

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE D.H. NASIR:
VICE-CHAIRMAN

AND

THE HON'BLE MR. H. RAJENDRA PRASAD:M(A)

DATED: 10 -11 -1998.

ORDER/JUDGMENT

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

O.A.No.

T.A.No.

in

1773/97

(W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.

