

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.212/97

dt.27-8-1998

Between

- 1. P. Babujee
- 2. Mohd. Sadiq
- 3. K. Shyam Babu

: Applicants

and

- 1. Sr. Divnl. Personnel Officer
SC Rly., Vijayawada Divn.
Vijayawada, Krishna Dist.
- 2. Divnl. Rly. Manager
SC Rly, Vijayawada Divn.
Vijayawada, Krishna Dist.
- 3. General Manager
SC Rly, Rail Nilayam
Secunderabad

: Respondents

Counsel for the applicants

: B. Narasimha Sarma
Advocate

Counsel for the respondents

: K. Siva Reddy
SC for Railways

Coram

- Hon. Mr. Justice D.H. Nasir, Vice Chairman
- Hon. Mr. H. Rajendra Prasad, Member(Admn.)

Order

Oral order (per Hon. Mr. Justice D.H. Nasir, VC)

Heard Mr. M.C. Jacob, for Mr. B. Narasimha Sarma, learned counsel for the applicants and Mr. K. Siva Reddy learned counsel for the respondents.

1. The applicants have prayed for fixing their pay at Rs.455/-, Rs.470/- and Rs.425/- respectively in grade Rs.330-560 consequent to their request transfer to Vijayawada division of SC Railway in terms of Rule 1313 (a)(ii)&(iii) of the IREC, Vol.II as directed in the case of applicants in OA.1252/94 on the file of this Bench with all consequential benefits including arrears from the date of inter-divisional transfer, after declaring the fixation of pay done by the first respondent without following the above referred rule as arbitrary, violative of Articles 14 and 16 of the Constitution of India.

2. The learned counsel drew our attention to the order passed in OA.70/97 by the Bench comprising Hon. Sri R. Rangarajan, M(A) and Hon. B.S. Jai Parameshwar, M(J) dated 2-3-98 in which it is observed that the respondents submitted that they were awaiting for a clarification to the Railway Board's letter dated 2-12-1996 and the same was received. Wherein the following direction is issued :

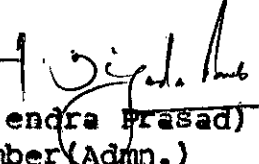
"The pay of the applicant as ASM in Vijayawada division in the scale of pay of Rs.1200-2040 should be fixed at the stage as he was drawing in Secunderabad division in the scale of pay of Rs.1400-2300 provided such a stage is available in the scale of pay of Rs.1200-2040 and that pay does not exceed the maximum of the pay of Rs.1200-2040. The other conditions

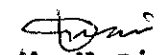
laid down by the Railway Board in the letter dated 2-12-1996 should be scrutinised to see whether the applicant fulfils all the conditions as laid down to fix his pay at Rs.1460/- when he was transferred to Vijayawada division. The applicant is entitled for arrears if any from 1-4-1995 in accordance with the direction given in OA.809/96 dated 5-7-1996."

3. The applicant submits that the above order passed in OA.70/97 by the Tribunal has already been implemented and that he has no objection if the present application is disposed of with the similar order. Hence, the present petition is disposed of with a direction to comply with the order passed in OA.70/97 in respect of the present application as well.

4. The order should be complied with within three months from the date of receipt of copy of this order.

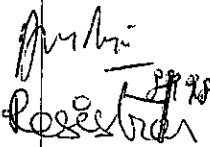
5. The arrears shall be paid with effect from 14-11-1995.


(H. Rajendra Prasad)
Member (Admn.)


(D.H. Nasir)
Vice Chairman

Dated : August 27, 98
Dictated in Open Court

sk


Deputy Registrar

18/9/98

I COURT

TYPED BY

COMPARED BY

CHECKED BY

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: 27-8-1998.

~~ORDER~~/JUDGMENT

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

in

O.A.No. 212/97

T.A.No.

(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.

