

18- Annexure-II

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

D.A. No. 1252/94.

Dt. of Decision : 14.11.94.

1. K. Venkateswarlu
2. Fazalullah Sahib
3. B. Ram Chandraudu
4. C. Ranganayakulu

.. Applicants.

Vs

1. Divisional Personnel Officer,  
SC Rly, Guntakal.
2. Divisional Railway Manager,  
SC Rly, Guntakal.
3. General Manager,  
SC Rly, Rail Nilayam,  
Secunderabad.

.. Respondents.

Counsel for the Applicants : Mr. V. Rama Rao

Counsel for the Respondents : Mr. D. Gopal Rao, SC for Rlys.

CORAM:

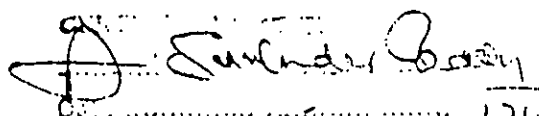
THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

-2-10-

the request for transfer cannot be entertained in the scale in which they are working. Para 1313 (a)(iii) of the Railway Establishment Code lays down that the pay of the officer has to be protected in such a case. As the pay of the applicants is not protected, it is a case where a direction has to be given to the respondents for fixing the pay of the applicants in accordance with Para 1313 (a)(iii) of the Railway Establishment Code.

4. In the result, the O.A. is allowed at the admission stage directing the respondents to fix the pay of the applicants by protecting their pay in accordance with Para 1313(a)(iii) of the Railway Establishment Code. On that basis, the arrears due to the applicants have to be paid. The time for compliance is by the end of February, 1995. There is no order as to costs./

  
D. Sundar Babu  
12/11/94  
Joint Secretary to Government  
Hyderabad  
Hyderabad

Copy to:-

1. Divisional Personnel Officer, South Central Railways, Guntakal.
2. Divisional Railway Manager, South Central Railways, ~~xxxxxxx~~, Guntakal.
3. General Manager, South Central Railways, Rail Nilayam, Secunderabad.
4. One copy to Mr. V. Rama Rao, Advocate, 3-5-926/19/A, 1st Floor, Himayatnagar, Hyderabad-29.
5. One copy to Mr. D. Gopal Rao, SC for Rlys, CAT, Hyderabad.
6. One copy to Library, CAT, Hyd.
7. One spare.

kkj.

South Central Railway.

Guntakal Division,  
Personnel Branch,  
Guntakal, dt.1.3.93.

No.G.P.676/1/IDRT/Vol.I.

O.C.No.32/TA-CI.III/93.

Subj:- Inter-Divisional Transfer of ASMs in scale  
Rs.1200-2040(RSRP).

.....

The following ASMs in scale Rs.1400-2300(RSRP) are transferred to BZA/SC (BG) Divisions at their request on bottom seniority in scale Rs.1200-2040(RSRP) as per usual terms and conditions applicable for inter Divisional request transfer and who are officiating in higher grades are required to go on reversion to the lower grade viz. Rs.1200-2040(RSRP). They are eligible to draw their pay admissible in grade Rs.1200-2040(RSRP) and their pay will be fixed by BZA/SC (BG) Division in grade Rs.1200-2040(RSRP) after their joining at BZA/SC(BG) Division.

Sl. No.	GP No.	PF No.	Name (S/Sr)	Design/ Stn.	Transferred to Divn.
1.	6273	05572745	G.Adikesava Rao.	ASM/NW	BZA Divn.
2.	6316	05572800	P.Lakshminarayana.	ASM/CK	SC(BG) Divn.

The transfers are ordered under the following terms and conditions.

1. They will rank junior to the Permanent and temporary ASMs in scale Rs.1200-2040(RSRP) on date of their joining BZA Division.
2. They should not seek re-transfer to their parent division at a later date.
3. They should be prepared to serve any where on BZA Division will be maintained in their parent division till they are confirmed on BZA Division in their turn.

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4. They are not eligible for any journey time, transfer and packing allowance, or transfer passes as the transfers are ordered at their own request.

5. The above staff may be relieved if no DAR/SPE/Vig. case pending/contemplated against them on the date of relief.

The above orders are issued with the approval of competent authority.

The dates of relief may be advised to this office and to all concerned.

Sd/- x x x x x ,  
for Divi. Rly. Manager,  
Guntakal.

// True Copy //

SOUTHERN  
RAILWAY

No. F(S) 481/10/II/Vol. III.

Headquarters Office,  
Personnel Branch,  
Madras-600003.

Dated: 24-6-1991.

DRM/P/MAS; MDU; TFJ; SBC;  
MYS; PGT & TVC.

Sub: FIXATION OF PAY OF SMS AND OTHER  
STAFF JOINED A POST ON INTER RAILWAY/  
INTER DIVISION TRANSFER AT THEIR  
REQUEST.

Of late it is brought to notice that the fixation of  
pay of SMS and other staff who come on Inter-Railway/  
~~Inter~~ Inter Divisional Transfer on reversion accepting  
bottom seniority are not done as per rules in force.

It is therefore advised that in the case of permanent  
employees coming on Inter-Divisional/Inter-Railway transfer  
on reversion, their pay is required to be protected in  
terms of Rule No. 1313(a)(iii) of Railway Establishment Code,  
which reads as under:-

"When appointment to the new post is made on  
transfer at his/her request under Rule 227(2)  
(FR-15A) and ~~max~~ maximum pay in time scale of the  
post is less than the substantive pay in respect  
of the old post, he will draw that maximum as  
initial pay".

Please therefore ensure that fixation of pay is  
regulated accordingly.

The cases which are otherwise dealt with should be  
reviewed immediately.

Sd/- x x x x x x x .  
CHIEF PERSONNEL OFFICER.

// True Copy //

In the Central Administrative  
Tribunals, Hyderabad

OA NO. 326/97

Between:

P. Laxminarayana

Applicant

And

The C.P.O., South Central  
Railway, Secendrabad.  
and others.

Memo of Appearance

**B. VENKATA MALLA REDDY**  
ADVOCATE

Standing Counsel For Railways  
Flat No. 9, Sai Villa Apartments,  
Opposite Sai Baba Temple,  
Dwarakapuri Colony Panjagutta, Hys