

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

23

ORIGINAL APPLICATION NO.34 of 1997

DATE OF ORDER: 24th November, 1998

BETWEEN:

1. Sk.Allabaksh,
2. P.Surendra,
3. T.Surendram,
4. Syed Rafi.

.. APPLICANTS

AND

1. The Chief Project Manager,
Railway Electrification,
Vijayawada,
2. The General Manager,
Central Organisation,
Railway Electrification,
Allahabad,
3. Union of India rep. by the
Secretary, Railway Board,
Rail Bhavan,
New Delhi.

.. RESPONDENTS

COUNSEL FOR THE APPLICANTS: Mr.G.V.SUBBA RAO

COUNSEL FOR THE RESPONDENTS: Mr.C.V.MALLA REDDY, ADDL.CGSC

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

HON'BLE SHRI B.S.JAI PARAMESHWAR, Member (Judl.)

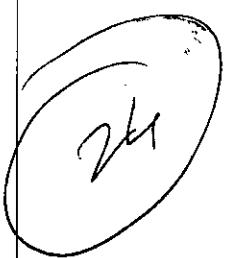
JUDGEMENT

(ORAL ORDER PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

None for the applicants. Heard Mr.C.V.Malla Reddy, learned standing counsel for the respondents.

2. There are 4 applicants in this OA. They were initially engaged as Casual Labour and they were granted temporary status on completion of 360 days of continuous

R D



service. While they were working as such, they were further engaged as Technical Mates on 1.8.86, 1.10.87, 1.7.86 and 1.4.90 respectively in the scale of pay of Rs.950-1500. It is stated in the reply that the applicants 1 and 4 are working as Casual Labour Technical Mates on ad hoc basis in the scale of pay of Rs.950-1500 whereas the applicant 3 was released on 3.1.97 on absorption as Khalasi in Electrical Department/Traction Rolling Stock, South Central Railway, Secunderabad in the scale of pay of Rs.750-940 and the applicant 2 was selected as Diesel Assistant in the scale of pay of Rs.950-1500 on regular basis and he was undergoing training.

3. Some of the applicants filed OA 290/94 on the file of this Bench for granting them the scale of pay of Rs.1320-2040 from the dates they had completed 120 days of service. That OA was allowed and the applicants in that OA were given the scale of pay of Rs.1320-2040 and some others who had filed OA 867/96 and 712/96 were also given the same benefit as was given to the applicants in OA 290/94.

4. The applicants herein filed representation on 10.7.96 (Annexure A-IV at page 4 to the OA) addressed to R-2 for giving ^{the} same benefits as were given to the applicants in OA 290/94 and pay them in the scale of pay of Rs.1300-2040.

5. Their representation ^{was} rejected by the impugned order dated 15.11.96 (Annexure A-1 at Page 1 to the OA) on the ground that the applicants are not entitled for the benefit as was given to the applicants in OA 290/94 as they



do not possess the qualification of Diploma in Engineering.

6. This OA is filed to set-aside the impugned order No.E.252/VVRE/3080/Civil Engg., dated 15.11.96 (Annexure A-1 at page 1 to the OA) and for consequential direction to the respondents to grant the applicants the scale of pay of Rs.1320-2040 from the dates they were promoted as Casual Technical Mates with arrears.

7. A reply has been filed in this OA. The main contention of the respondents in this OA is that the applicants in OA 290/94 ^{were} ~~are~~ diploma holders in Engineering and they were also engaged in the scale of pay of Rs.950-1500 initially itself and they were given the scale of Rs.1200-1800 subsequently and on the basis of the directions given by this Tribunal in OA 290/94 they were given the scale of pay of Rs.1320-2040. The applicants herein are not diploma holders. They were also not engaged in the higher scale of pay of Rs.950-1500 initially. They were engaged in the scale of pay of Rs.750-940 and subsequently they were engaged in the scale of pay of Rs.950-1500. Hence they are not entitled for the scale of pay of Rs.1320-2040 as given to the applicants in OA 290/94. Hence this OA is liable to be dismissed.

8. Differentiation due to higher qualification is permissible. The above view has been upheld by the Supreme Court also. The applicants in OA 290/94 ^{were} ~~are~~ diploma holders whereas the applicants herein are not possessing the diploma. It is also seen that the applicants are in the scale of pay of Rs.950-1500 even now as casual

3

1



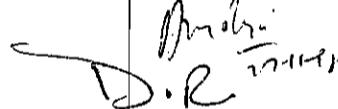
Technical Mates whereas the applicants in OA 290/94 were engaged initially itself in the scale of pay of Rs.950-1500 and they were further engaged in the higher scale of pay of Rs.1200-2040 subsequently. Hence the question of comparing the applicants herein with that of the applicants in OA 290/94 does not arise. Comparison made by the applicants in this OA, in our opinion, is unwarranted and invidious. Hence we do not see any reason for grant of the same benefit as given to the applicants in OA 290/94.

9. In view of what is stated above, we find no merits in this OA. Hence the OA is dismissed. No order as to costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)

24.11.98


(R. RANGARAJAN)
MEMBER (ADMN.)


D.R. 24.11.98

DATED: 24th November, 1998
Dictated in the open court.

vsn

(27)

OA.34/97

Copy to :-

1. The Chief Project Manager, Railway Electrification, Vijayawada.
2. The General Manager, Central Organisation, Railway Electrification Allahabad.
3. The Secretary, Railway Board, Rail Bhavan, New Delhi.
4. One copy to Mr. G.V.Subba Rao, Advocate, CAT., Hyd.
5. One copy to Mr. C.V.Malla Reddy, Addl.CGSC, CAT., Hyd.
6. One copy to D.R.(A), CAT., Hyd.
7. One duplicate copy.

srr

II COURT

TYPED BY
COMPARED BY

CHECKED BY
APPR VED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD, BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(6)

AND

THE HON'BLE SHRI S.S. JAI PARAMESHWAR :
M(3).

DATED : 24/11/98

ORDER/JUDGMENT

M.A./P.A./C.P.H.

in
G.A. NO. 34/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

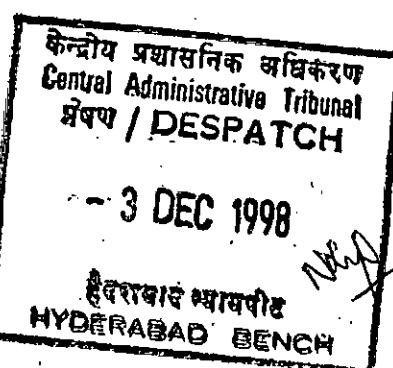
DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLR



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

29

MA No. 26 of 1996

in

OA No. 4209 of 1996

Between:

1. Sk. Allabaksh, S/o Sk. Mastan,
aged about 36 years,
Technical Mate, Railway Electrification
Project, S.C.Railway, Vijayawada.
2. P. Surendra, S/o P. Narayana,
aged about 37 years, Technical Mate,
Railway Electrification Project,
S.C.Railway, Vijayawada.
3. T. Surendram, S/o ~~Dasappa~~
aged about 40 years, Technical Mate,
Railway Electrification Project,
S.C.Railway, Vijayawada.
4. Syed Rafi, S/o Hafeez,
aged about 38 years, Technical Mate,
Railway Electrification Project,
S.C.Railway, Vijayawada.

A N D

1. Chief Project Manager,
Railway Electrification,
S.C.Railway, Vijayawada.
2. General Manager,
Central Organisation,
Railway Electrification,
Allahabad.
3. Union of India
represented by
the Secretary,
Railway Board,
Rail Bhawan, New Delhi.

MISCELLANEOUS APPLICATION FILED UNDER RULE 4 (5) (A)
OF THE CAT (PROC) RULES, 1985 FOR PERMISSION TO FILE
A SINGLE OA

The Applicants in OA No. of 1996 humbly
submit that they are working as Technical Mates in
the Electrification Project at Vijayawada under the
administrative control of the Chief Project Manager,

31

The applicants
intend to pay
additional Court
fee if required
later

G. Subba Rao

Single OA Petn.
IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL : HYDERABAD BENCH :
AT HYDERABAD

MA No. of 1996

in

OA No. of 1996

Between:

Sk. Allabaksh and
three others. ..Applicants

A N D

Chief Project Manager,
Railway Electrification,
Vijayawada & 2 others.



Respondents

MISCELLANEOUS APPLICATION FILED
UNDER RULE 4 (5) (A) OF CAT (PROC)
RULES, 1985 TO FILE A SINGLE OA

Filed on: 26.12.96

Filed by:

G.V. Subba Rao, Advocate,
Plot No. 96, Jawahar Rail Colony
Sikh Village, Secunderabad.

Subba Rao
COUNSEL FOR APPLICANTS

31.12.96
G. Subba Rao
26/12/96
C.A.T. 31.12.96
CLATW 31.12.96

Railway Electrification, Vijayawada. The applicants made a representation to the second respondent requesting for grant of the scale of pay of Rs.1320/2040 given to the some of the technical mates of Vijayawada Unit on a part with the technical mates of Bhopal Unit of the same Electrification Project. The applicant's representation was rejected by the Chief Project Manager, Vijayawada by a common letter addressed to them. The cause of the applicants is the same and the reliefs claim by the applicants are also the same and as such the applicants pray that this Hon'ble Tribunal may be pleased to grant them permission to file one common OA as they are aggrieved by the same order and also they have very relief is also the same, which is common to all.

VERIFICATION

We, (1) Sk.Allabaksh, S/o Sk.Mastan, aged about 36 years, (2) P.Surendra, S/o P.Narayana, aged about 37 years, (3) T.Surendra, S/o ~~Dasari~~ ⁴⁰, aged about years, and (4) Syed Rafi, S/o Hafeez, aged about 38 years, all working as Technical Mates, Railway Electrification Project, S.C.Railway, Vijayawada, do hereby verify that the contents of the above affidavit are true to the best of our knowledge and belief and we have not suppressed any material facts of the case.

1) Sk. Allabaksh

2) P.Surendra

3) T.Surendra

4) Syed Rafi

SIGNATURES OF THE APPLICANTS

G. Subba
Council for Appellants

32
8/1/97

RE/ORIGINAL

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL: HYDERABAD BENCH AT
HYDERABAD

६८ कस्ट/ BENCH CASE

M.A. NO.

26

of 1996

६८ कस्ट/ RAILWAY

IN

O.A.S.R. NO. ४२०९ of 1996

Heard Mr. G.V. Subba Rao
for the applicant and Mr.
Ch Malla Reddy, for the
respondent.

MA is not opposed.

Under the circumstances
referred to the MA is allowed.

Register the OA.

R
#BSP
H(J)

D

HRRN
H(A)

PETITION FOR SEEKING PERMISSION
TO ADDITIONAL APPLICANTS IN A
SINGLE APPLICATION.

Mr. G.V. Subba Rao
COUNSEL FOR THE APPLICANT

AND

Mr. _____

Sr. Addl. Stand
for C.G.Rlys.

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL, HYDERABAD BENCH, AT
HYDERABAD

It is hereby directed to the parties to serve copy of process on
the date of filing of the suit for Registration No. R.A.No. 1114 of 1999

on or before the fifteenth day of March 1999 (or before the date fixed in

any successive writs issued to the effect) O.A.No. 34 of 1997

and recording of information to be had on the correctness of the

name of the object of the suit and the date of filing of the suit
Between

Sh. Aliabaksh and **Sk. Aliabaksh and**

others **others** **Applicants/**
Applicants

and in view of the fact that the suit is to be filed on the date of filing of the suit

and the name of the object of the suit is to be filed on the date of filing of the suit

and the date of filing of the suit is to be filed on the date of filing of the suit

and the name of the object of the suit is to be filed on the date of filing of the suit

and the date of filing of the suit is to be filed on the date of filing of the suit

REVIEW APPLICATION UNDER RULE 19
OF THE CENTRAL ADMINISTRATIVE
TRIBUNALS' PROCEDURE RULES 1987

Yours faithfully

Mr. Venkatesh

Legal Officer

to the Central

Administrative

Court

on behalf of

the Reviewer

Filed by:

Sri G.V.Subba Rao &
Miss G.Geetha,
Advocates,
1-1-230/33, Jyothi Bhavan,
Chikkadapalli,
HYDERABAD - 500020.
Counsel for the Applicants.

Regd. - Review application

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

R.A.No. of 1999

in

O.A.No. 34 of 1997

Between

Sk. Allabaksh and
others ...

Applicants/
Applicants

and

The Chief Project
Manager, Rly
Electrification,
Vijayawada and
others ...

Respondents/
Respondents

REVIEW APPLICATION UNDER RULE 19 OF
CENTRAL ADMINISTRATIVE TRIBUNALS
PROCEDURE RULES, 1987



Filed by:

Sri G.V. Subba Rao &
Miss Geetha,
Advocates,
1-1-230/33,
Chikkadapalli,
Hyderabad-500020.

Counsel for Applicants.

Pls be filed
as
12/1/99

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH,
HYDERABAD.

1ST AND 2ND COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

COPY TO

1. HON. MR. JUSTICE D.H. NASIR
VICE-CHAIRMAN

2. HON. MR. JUSTICE R. RANGARAJAN
MEMBER (ADMN)

3. HON. MR. JUSTICE B.S. JAI PARAMESHWAR
MEMBER (JUDL)

4. HON. MR. JUSTICE D.R. (ADMN)

5. SPARE

6. ADVOCATE

7. STANDING COUNSEL

DATE OF ORDER

16/3/2000

copy to:

① SIK. Alababu
② P. Surendra
③ T. Surendra
④ Syed Rabi

MA/R/EP. NO

IN

4/99

G.A. NO. 34/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

R.A. ~~CLOSED~~ DISMISSED

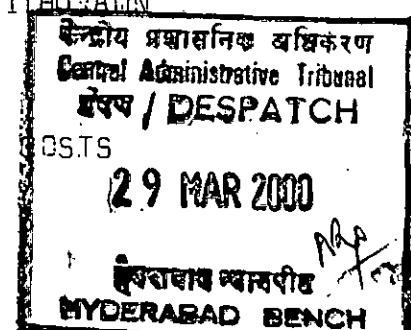
DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH,
HYDERABAD.

1ST AND 2ND COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

COPY TO

1. HON. MR. JUSTICE D.H. NASIR
VICE-CHAIRMAN

2. HON. MR. JUSTICE R. RANGARAJAN
MEMBER (ADMN)

3. HON. MR. JUSTICE B.S. JAI PARAMESHWAR
MEMBER (JUDL)

4. HON. MR. JUSTICE D.R. (ADMN)

5. SPARE

6. ADVOCATE

7. STANDING COUNSEL

DATE OF ORDER 16/3/2000

copy to:

① SIK. Alababu
② P. Surendra
③ T. Surendra
④ Syed Rabi

MA/R/EP. NO 4/99
IN

D.A. NO. 34/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

R.A. ~~CLOSED~~ DISMISSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

