

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD

OA.1576/97

dt.27-8-98

Between

K. Krishna Reddy

: Applicant

and

1. Sr. Divnl. Personnel Officer
SC Rly, Vijayawada Divn.
Vijayawada, Krishna Dist.

2. Divisional Rly. Manager
SC Rly, Vijayawada Divn.
Vijayawada, Krishna Dist.

3. General Manager
SC Rly, Rail Nilayam
Secunderabad

: Respondents

Counsel for the applicant

: 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.)

OA.1576/97

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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 applicant and Mr. K. Siva Reddy learned counsel for the respondents.

1. The applicant has prayed for fixing his pay at the appropriate stage of Rs.1600/- in the pay scale of Rs.1200-2040 (RSRP) with effect from 29-9-95 with increment to the said amount every year as per rule 1313 of the IREC, Vol.II consequent to his request transfer from Guntakal Division to Vijayawada Division of South Central Railway instead of at Rs.1440 plus 160 PP with arrears from date of joining as ordered in OA.1229 of 1996; and declare the impugned proceeding No.B/P.524/VI/SM-ASM, Vol.3/OAS dated 30-12-96 in fixing his pay at Rs.1440 plus 160 PP as illegal, arbitrary and contrary to rules, and for further declaration that the fixation formula given in serial circular No.95/96 is without jurisdiction and unsustainable in law and not applicable in his case.

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. Sri B.S. Jai Parameshwar, M(J) dated 2-3-1998 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

..2.

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."

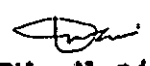
3. The learned counsel for the applicant submits that the above order passed in OA.70/97 by the Tribunal has already been implemented and that they have no objection if the present application is disposed of with the similar order.

Hence, the present petition is disposed of with a direction ^{to the Respondents} to comply with the orders 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 28-9-95.


H. Rajendra Prasad
Member (Admn.)


DH. Nasir
Vice Chairman

Dated : August 27, 98
Dictated in Open Court


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Dn(1)

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8/7/98
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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: 27-8-1998.

ORDER/JUDGMENT

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

O.A.No.

T.A.No.

in

1576/97

(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.

