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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 70/97

Date of Order : 2.3.98

BETWEEN :

V.Durgaprasada Babu

.. Applicant.

AND

1. Senior Divisional Personnel Officer,
S.C.Rly., Vijayawada Division,
Vijayawada, Krishna Dist.

2. Chief Personnel Officer,
S.C.Rly., Rail Nilayam,
Secunderabad.

3. General Manager, S.C.Rly.,
Rail Nilayam,
Secunderabad.

.. Respondents.

Counsel for the Applicant .. Mr. B. Narasimha Sarma

Counsel for the Respondents .. Mr. K. Siva Reddy

CORAM

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

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

O R D E R

As per Hon'ble Shri R.Rangarajan, Member (Admn.)

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

2. The applicant in this OA while working as ASM in the
grade of Rs.1400-2300 (RSRP) from 12.2.86 was transferred to
Vijayawada Division on request transfer on 17.6.87. He was
transferred to the Vijayawada Division as ASM in the scale of

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pay of Rs.1200-2040 (RSRP) as direct recruitment available in that grade. While the pay of the applicant in the grade of ASM Rs.1400-2300 was at the stage of Rs.1440/-, when he was transferred to Vijayawada Division in the scale of pay of Rs.1200-2040 his pay was fixed at the stage of Rs.1260/- and on the ^{stage of} pay above that of Rs.1260/- above that was fixed as personnel pay i.e. Rs.180/- was fixed as P.P. to be worked off as ⁱⁿ future increments.

3. The applicant submitted a representation to fix his pay at the stage of Rs.1440/- in the time scale of Rs.1200-2040 as per Rule 1313 of IREC Vol.II as was done in the case of the applicants in OA.1252/94 in proceedings No.G/P.524/I/ASMs/OA.1252/94 dated 28.11.94 issued by the Senior Divisional Officer, Guntakal Division and to set aside the proceedings No.B/P.524/VI/SM-ASM/Veh.3, dated 30.10.96 as arbitrary, illegal, discriminatory and violative of Articles 14 and 16 of the Constitution of India.

4. The main prayer in this OA is to set aside the impugned order dt. 30.10.96 whereby his pay was fixed at the stage of Rs.1260/- and Rs.180/- was to be fixed as P.P. to be worked off for future increments and for consequential benefits and fix his pay ^{on the stage of 1440/- P.M} in the scale of pay of Rs.1240/- when he joined as ASM in Vijayawada Division.

5. A reply has been filed in this OA. The learned counsel for the respondents submits that the above fixation was done in terms of Railway Beard's circular dated 24.2.95 (S.C. No.39/95). However, the learned counsel for the applicants submits that the Railway Beard has issued a clarification in this connection vide

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Railway Board's letter No. F(E) II/91/Misc/2 (PE), dated 2.12.96 whereby the pay he was drawing in the substantive capacity before he transferred to Vijayawada division has to be given in the scale of pay of Rs.1200-2040. As he was drawing pay of Rs.1460/- while he was working in the substantive grade as ASM Secunderabad Division his pay when transferred to Vijayawada Division should be fixed at the stage of ~~Rs.1260/-~~^{1460/-} in the scale of pay of Rs.1200-2040 in terms of Railway Board's letter dated 2.12.96. Fixing his pay at the stage of Rs.1260/- and granting personnel pay of Rs.180/- that can be worked off in the future increments is not in order as per the clarification given by the railway board's letter dated 2.12.96. Hence he prays for fixation of his pay at the stage of ~~Rs.1460/-~~ in the scale of pay of Rs.1200-2040 when he joined in Vijayawada division. (the letter dated 2.12.96 is taken on record).

6. The respondents ^{on behalf of} ~~decide~~ that they are waiting for a clarification to the railway board's letter dated 2.12.96 and when the same is received they will act in accordance with the railway board's letter. ~~As at~~ the time, the pay of the applicant ~~had already been fixed when~~ ^{but} the clarification was not available. It is not understood why the respondents have not connected the railway board's letter dated 2.12.96 when the OA itself was filed on 20.1.97. That shows the respondents have given a reply without fully analysing the rules. Hence under the circumstances the following direction is given :-

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

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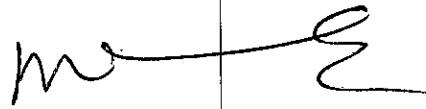
of pay of Rs.1200-2040 and that pay does not exceed the maximum of the pay of Rs.1200-2040. The other conditions laid down by the Railway Board in the letter dated 2.12.96 should be scrutinised to see whether the applicant fulfills all the conditions as laid down to fix his pay at Rs.14~~60/-~~^{was} when he transferred to Vijayawada division. The applicant is entitled for arrears if any from 1.4.95 should be paid to him in accordance with the direction given in OA.809/96 dated 5.7.96.

7. Time for compliance is three months from the date of receipt of a copy of this order.

8. The OA is disposed of with no costs.


(B.S. JAI PARAMESHWAR)
Member (Judl.)

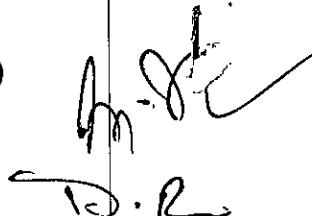
213/98


(R.RAN GARAJAN)
Member (Admn.)

Dated : 2nd March, 1998

(Dictated in Open Court)

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Copy to:

1. Senior Divisional Personnel Officer, South Central Railway, Vijayawada Division, Vijayawada, Krishna District.
2. Chief Personnel Officer, South Central Railway, Railnilayam, Secunderabad.
3. The General Manager, South Central Railway, Railnilayam, Secunderabad.
4. One copy to Mr.B.Narasimha Sarma, Advocate,CAT,Hyderabad.
5. One copy to Mr.K.Siva Reddy,Addl.CGSC,CAT,Hyderabad.
6. One copy to D.R(A),CAT,Hyderabad.
7. One duplicate copy.

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TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. BURANGARAJAN : M(A)

AND

THE HON'BLE MR. B. S. JAI PARAMESHWAR :
M(J)

DATED : 21/3/98

ORDER/JUDGMENT

M.A. /R.A /C.A. NO.

in
O.A. NO. 70/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

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