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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

..

O.A.No. 898 of 1997.

Date of decision: 21-7-1997.

Between:

Y. Subrahmanyam. Applicant.

and

Union of India represented by :

- 1) General Manager, S.E.Rly.,
Calcutta - 43.
- 2) Principal Financial Adviser & Chief
Accounts Officer, S.E.Rly.,
Calcutta - 43.
- 3) Financial Adviser & Chief Accounts
Officer (Con) S.E.Rly., Visakhapatnam
at Chandrasekharpur, Bhubaneswar,
Orissa. Respondents.

Counsel for the applicant: Sri K.Venkateswara Rao.

Counsel for the respondents: Sri Bhimanna

JUDGMENT.

(by Hon'ble Sri H. Rajendra Prasad, Member (A).

Heard Sri K.Venkateswara Rao for the applicant
and Sri V.Bhimanna for the respondents.

2. From Annexure-3 (Letter No. ADMN/SE/GAZ/STEPPING Up/404
dated 7-3-1997) it is seen that the judgment of the Hon'ble
Supreme Court to the effect that the Grade of Rs.2,000 --3,200

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would be effective from only 1-4-1987 and not from 1-1-1986 led to the rejection of the applicant's claim made pursuant to the orders passed by this Tribunal in O.A.13/88. The respondents are of the view that the Railway Board has not given any protection of pay in favour of such staff whose pay was provisionally fixed as on 1-1-1986 and retired from service before 31-8-1996. According to them there is no pay protection in such cases but only a prohibition is available against recovery of any over payment from such personnel. The case of the present applicant is one such instance. According to the respondents, the pay and pension require revision in the light of the judgment of the Hon'ble Supreme Court. This view has, however, been referred to the Railway Board for confirmation.

3. In the light of what has been noted above, no cause of action has yet arisen in this case since the rejection of the applicant's claim would be final only if and when confirmed by the Board. To that extent, the O.A., is premature. The applicant shall have to await the final decision of the respondents based on the confirmation/non-confirmation by the Board.

In order that the decision does not get unduly delayed or postponed through inadvertence, the respondents

shall be expected to obtain confirmation ^{or otherwise of their own presumption in the matter} from the Board

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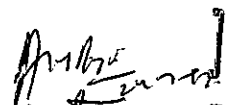
on this issue and communicate their final decision,
to the applicant within three months from the
date of receipt of a copy of these orders.

4. It is clarified that if the applicant is
aggrieved about the decision that may be communicated to
him finally, he is at liberty to reagitate his grievance
by filing a fresh O.A. Thus, the O.A., is disposed of. No costs.


H. RAJENDRA PRASAD,
MEMBER (A)

Date: 21--7--1997.

Dictated in open Court.


Deputy Registrar O.Ce.

SSS.

O.A.898/97.

To

1. The General Manager, SE Rly,
Union of India, Calcutta-43.
2. The Principal Financial Adviser & Chief Accounts Officer
SE Rly, Calcutta-43.
3. The Financial Adviser and Chief Accounts Officer(Con)
SE Rly, Visakhapatnam at Chandrasekharapur,
Bhubaneswar, Orissa.
4. One copy to Mr.K Venkateswar Rao, Advocate, CAT.Hyd.
5. One copy to Mr.Bhimanna, SC for Rlys, CAT.Hyd.
6. One copy to HHRP.M(A) CAT.Hyd.
7. One copy to D.R.(A) CAT.Hyd.
8. One spare copy.

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T COURT

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE
VICE-CHAIRMAN

and

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

Dated: 21-7-1997

~~ORDER~~ JUDGMENT

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

in

C.A.No.

T.A.No.

898/97

(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 पक्षान्तिक अधिकरण
Central Administrative Tribunal

RECEIVED

31 JUL 1997

HYDERABAD BENCH

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