

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABAD BENCH
AT HYDERABAD

O.A. No. 903 / 97

Between

D.V. Ilaiah and
2 others.

.. APPLICANTS

AND

Union of India,
Rep. by Chairman,
Railway Board and
others.

.. RESPONDENTS

REJOINDER FILED ON BEHALF OF THE APPLICANTS

I, D.V. Ilaiah, s/o Sri Veeramallaiah, aged 66 years, residing at Kazipet, now temporarily come down to Hyderabad, do hereby solemnly affirm and state as follows.

1. I am the Applicant No.1 in the above case and I am acquainted with the facts of the case. I am authorised to file this rejoinder on behalf of other Applicants also.
2. I have gone through the reply affidavit filed on behalf of the respondents herein and I deny various allegations made and the contentions raised therein as incorrect and untenable excepting those that are specifically admitted hereunder. The respondents are put to strict proof of all the allegations made in the reply affidavit.
3. The averments made in Paras 2 and 3 are not disputed. But I state that the instructions dated 16.9.88


D.V. Ilaiah
DEPONENT

were given by the Railway Board as a special case with the approval of the President of India. The clarification sought for by the zonal office in this regard was really unwarranted. It is true that the pay of several loco Supervisors was stepped up and several of them were also given the arrears of pay.

4. The averments made and the contentions raised in para 4 of the reply affidavit are untenable and unsustainable. The reference to Rule 1316 and F.R. 22 (C) of the Indian Railway Establishment is wholly irrelevant. If the codal provisions were applicable for stepping up of the pay of the Loco Supervisors on par with their Juniors there is no necessity or reason for the Railway Board to issue the circular instructions in this regard on 16.9.1988 with the approval of the President of India. I state that the aforesaid circular was issued by the Railway Board as a special case and it was an exception to Rule 22 (c) and Rule 1316 of the Indian Railway Establishment Code. The clarification given by the Railway Board on 10.8.1990 is ex facie, untenable and unsustainable. However the said clarification was not given any supercession of the Circular dated 16.9.1988.

5. The contentions raised in para 5 of the reply affidavit are untenable and unsustainable. I state that the Applicants herein were promoted to the Loco Supervisory grade long prior to the promotion of Sri Virupaksha Rao.



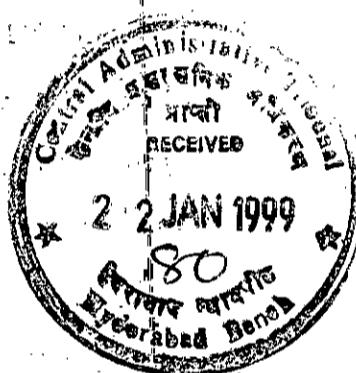
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Fair list case on 20/1/97

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REJOINDER FILED ON BEHALF OF

APPLICANTS

Reeved
22/1/99

22/1/99

May be filed

On
22/1/99

MR. G. RAMACHANDRA RAO
ADVOCATE
COUNSEL FOR THE APPLICANTS.