

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD

OA NO. 4/97.

OA, SR. 3794/96

dt. 24-12-96

Between

~~Respondent~~

A.V.A. Satynarayana
2. Shaik Isa Hussain
3. L.P. Laxman Rao
4. V. Davis
5. MR Laxminarayana
6. MS Venkateswarulu
7. B.S. Hanmanth Rao

8. Nazeer Baig
9. A Philip
10. M. Rayappa
11. P. Ramaswamy
12. R. Gopalaswamy
13. KR Mallaiah

: ~~Respondents~~ Applicants

and

1. Union of India, rep. by
The General Manager
SC Railway, Secunderabad

2. Divisional Manager(BG)
SC Rly., Railnilayama
Secunderabad

: Respondents

Counsel for the applicants

: G. Ramachandra Rao
Advocate

Counsel for the respondents

: K. Siva Reddy
Addl. SC for Railways

CORAM

HON. MR. JUSTICE M.G. CHAUDHARI, VICE CHAIRMAN

HON. MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

Judgement

Oral order (per Hon. Mr. Justice M.G. Chaudhari, VC)

Mr. G. Ramachandra Rao for the applicant.

1. Subject to registration of the OA as per order on MA since the OA can be disposed of straight away we have heard the OA ^{finally at admission stage as} ~~for admission~~ and it is not necessary to go through the formalities which may unnecessarily cause delay.
2. Mr. C. Venkat Malla Reddy, learned Standing Counsel for the Railways is present in the Court. He states that the applicant has duly served copy of the MA and OA ^{on} /the respondents. He further states that according to his information this case has been allotted to Sri K. Siva Reddy, Standing Counsel. We see no good reason as to why Mr. K. Siva Reddy should not have been present. We, therefore, request Mr. Venkat Malla Reddy to hold for Mr. Siva Reddy for the purpose of this order. Mr. Siva Reddy, however, shall file memo of appearance within one week.
3. The twelve applicants are retired Good Guards / Guard-C . They retired between 31-7-1993 and 30-6-1996. At the time of retirement they were in the scale of pay of Rs.130-225(AS)/ 330-530(RS)/1200-2040(RSRP). Their case is that there arises anamoly in fixation of their pay as a result of which they are put to monetary loss. According to them earlier they were in Senior TSC grade of Rs.330-560 (RS). However, they were absorbed as Good Guards in Grade of Rs.290-530(RS). Their pay was thus brought down instead of being corrected ^{fixed}. Thus, according to them there arose anamoly which has not been rectified. They appear to have filed representation firstly on 1-8-1995 followed by representations dt.12-8-1995, 22-1-96

and 22-4-1996 and lastly on 23-9-1996. They are seeking rectification of anomaly through the pensionary forms by submitting the aforesaid representations. Since according to the applicants there has been no response from the respondents to the representations, they have approached the Tribunal by this OA filed on 27-11-1996. They seek an order and direction to the respondents to correctly fix their pay in the posts of Good Guards from the date of their promotion to the said posts on par with similarly placed Goods Guards in other divisions of SC Railway and to extend ~~them and~~ consequently grant them pensionary benefits. The applicants have been squarely ^{resisting} ~~resisting~~ their case on the memorandum issued on 18-7-90 by the respondents in respect of seven other similarly placed employees who were extended the benefit of refixation of pay after removing the anomaly. They also evidently started making representation of their claim after they came to know about the decision of this Tribunal rendered in OA.1491/93 dated 27-6-1995. It is stated that the applicants in that OA were similarly placed as the present applicants. The order shows that on behalf of the respondents it was conceded in that case that the request of the applicants therein for protection of their pay in the pay scale of Rs.330-530 when they were promoted as Goods Guard / Guard-C and also for fixing their pay at suitable stage when the scales of Rs.330-560 and Rs.330-530 were merged in pursuance of the recommendations of the IV Pay Commission. Hence, the respondents were asked to refix the pay of the applicants in that case and grant them consequential benefits. It was clearly directed that even ^{to} those also who have retired from service, the said benefit has to be given.

4. It is submitted by Mr. G. Ramachandra Rao, that the applicants in the instant OA believe that reading the above direction relating to the retired persons only as applicable to the applicants in the previous OA ^{the respondents} and are not extending the same consideration to the applicants.

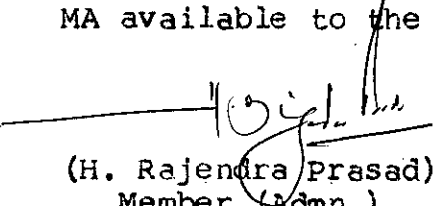
5. In our view having regard to the decision in the previous OA and the memorandum dated 18-7-1990 mentioned above, it was necessary for the respondents to have given a serious consideration to the representation filed by the applicants. The bar of delay in making the claim cannot apply to the applicants who are retired persons and the fixation of pay and payment of pensionary benefits ~~in their~~ ^{behalf} would be a recurring right, and they cannot be shut out from claiming the same because they have agitated their claim only on 1-8-95. Having regard to the fact that the applicants are retired persons and there appears substance in their grievance and having regard to previous order of the Tribunal we are inclined to pass the following order :


Divisional Railway Manager (BG), SC Railway, Secunderabad, Respondent-2 is directed to examine and dispose of the representation of the applicants mentioned above in the light of the decision of this Tribunal in OA.1491/93 and take a decision thereon and convey the same to the applicants expeditiously and preferably within a period of three months from the date of receipt of copy of this order.

6. The OA is disposed of in terms of the above order finally. No order as to costs.

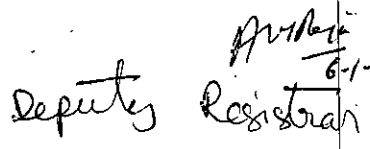
7. A copy of this order shall be forwarded to Respondent-2 together with ~~the~~ copy of this OA. To enable the office

to send the copy of the OA, the learned counsel for the applicant shall make an entire compilation of OA and MA available to the office.


(H. Rajendra Prasad)
Member (Admn.)


(M.G. Chaudhari)
Vice Chairman

Dated : December 24, 96
Dictated in Open Court


Deputy Registrar (D) CC

sk

S.A.4/97.

To

1. The General Manager,
Union of India, SC Rly,
Secunderabad.

2. The Divisional Manager (BG)
SC Rly Railnilayam, Secunderabad.

duplicate of copy

3. One copy to Mr.G.Ramachandra Rao, Advocate, CAT.Hyd.

4. One copy to Mr.K.Siva Reddy, SC for Rlys, CAT.Hyd.

5. One copy to Library, CAT.Hyd.

6. One spare copy.

pvm.

24/1/97

I COURT

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE M.G. CHAUDHARI
VICE-CHAIRMAN

AND

THE HON'BLE MR. H. RAJENDRA PRASAD
MEMBER (ADMN)

Dated: 24-12-1996

~~ORDER~~ JUDGMENT

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

in

O.A.No.

6/97

T.A.No.

(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.

Note
along with O.A. copy to R-2

