

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

OA.135/97

dt.27-8-1998

Between

K. Kesava Prasad

: Applicant

and

1. Sr. Divnl. Personnel Officer  
SC Rly., Vijayawada Division  
Vijayawada, Krishna District

2. Divnl. Rly. Manager  
SC Rly., Vijayawada Divn.  
Vijayawada, Krishna District

3. Chief Personnel Officer  
SC Rly, Rail Nilayam  
Secunderabad

: Respondents

Counsel for the applicant

: M.C.Jacob  
Advocate

Counsel for the respondents

: K. Siva Reddy  
SC for Rlys.

Coram

Hon'ble Mr. Justice D.H. Nasir, Vice Chairman

Hon'ble Mr. H. Rajendra Prasad, Member(Admn.)

OA.135/97

dt.27-8-98

## Order

Oral order (per Hon. Mr. Justice D.H. Nasir, Vice Chairman)

Heard Mr. M.C. Jacob, 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.1500/- plus 20PP in the time scale of Rs.1200-2040 instead of Rs.1320/- plus 160 PP as per rule 1313(a)(ii) and (iii) of IREC Vol.II as done in the case of applicants in OA.1252/94 in proceedings No.G/P.524/IASMs/OA 1252/94 dated 28-11-1994 issued by Senior Divisional Personnel Officer, Guntakal Division, after declaring the refixation of the pay done by the first respondent in proceeding No.B/P.524/VI/SM-ASM/Vol.3 dated 30-10-1996, as illegal and violative of Articles 14 and 16 of the Constitution of India and contrary to the direction of this Tribunal given in OA.713/96.

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 2-3-98 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 :

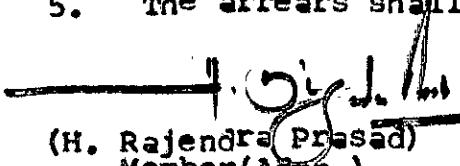
"The pay of the applicant as ASM in Vijayawada division in the scale of pay of Rs.1200-2040 should be fixed at the stage as he was drawing in Secunderabad division in the scale of pay Rs.1400-2300 provided such a stage is available in the scale of pay of Rs.1200-2040 and that pay does not exceed the maximum of the pay of Rs.1200-2040. The other conditions laid down by the

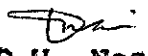
the Railway Board in the letter dated 2-12-1996 should be scrutinised to see whether the applicant fulfils all the conditions as laid down to fix his pay at Rs.1460/- when he was transferred to Vijayawada division. The applicant is entitled for arrears if any from 1-4-1995 in accordance with the direction given in OA.809/96 dated 5-7-1996".

3. The applicant submits that the above order passed in OA.70/97 by the Tribunal has already been implemented and that he has no objection if the present application is disposed of with the similar order. Hence, the present petition is disposed of with a direction to comply with the orders passed in OA.70/97 in respect of the present application as well.

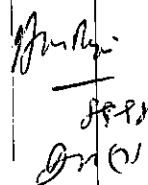
4. The order should be complied with within three months from the date of receipt of copy of this order.

5. The arrears shall be paid with effect from 6-2-95.

  
(H. Rajendra Prasad)  
Member (Admn.)

  
(D.H. Nasir)  
Vice Chairman

Dated : August 27, 98  
Dictated in Open Court

  
JPR  
Dn (C)

sk

23/9/98

I COURT

TYPED BY

COMPARED BY

CHECKED BY

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.

in

O.A.No.

135/97

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.

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
प्रेषण / DESPATCH  
18 SEP 1998  
HYDERABAD BENCH